PATTERNS OF POWER · THE POLISH-LITHUANIAN COMMONWEALTH

The Polish-Lithuanian Commonwealth

The Complete Study · 966 — 1569 — 1717 — 1795

Thomas J. Bryan

with Claude (Anthropic) · 2026

held as tested, not revealed

Preface and Outline

Front matter — how this study was made, the disciplines it holds itself to, and a map of its thirteen parts

The collaboration

This is a case study in the Patterns of Power series, applying the series' framework to the order founded at Lublin on 1 July 1569 and removed from the map by its neighbours on 24 October 1795 — reaching back, in its opening, through the four separate conquests standing on that ground when the union was sworn, and forward, in its closing, to the year 1846, when the settlement's former subjects supplied the measure of how long they had remembered it. The framework is a lens for reading how any order of power is founded, dressed and held: the floor of force beneath every order; the robe of doctrine laid over the floor to make the force cheap; the settlement that divides the spoils among the armed; the formation that installs in a child, before he can refuse it, the map of whom to defer to and whom to believe without checking; the cost column in which each subject prices defection; the seam through which the belief the whole depends on is managed; the default by which an elite coordinates without instruction, each man defending the arrangement by defending himself; and, running through all of it, position logic — the proposition that rulers in like positions converge on like solutions because a position poses a problem with only a few good answers.

The Commonwealth was chosen for four reasons, and the first was expected to be the strongest and turned out not to be.

It was chosen as the pair to the study before it. Brandenburg-Prussia and the Commonwealth sold the same commodity down the same sea to the same Amsterdam buyers in the same decades, using the same institution of bound peasant labour on a demesne farm, on adjacent ground. Whatever differs between them cannot be the grain. The expected finding — that one nobility voted itself out of the customs and the land tax while the other was enrolled in a salaried officer corps and taxed — holds, and it is most of the fiscal-military story. What was not expected is what the comparison does to the peasants, which is nothing: two constitutions as far apart as European constitutions went delivered the man in the field to almost the same place by opposite routes, and that result is reported in the closing module as a finding rather than as a complication.

It is the collection's first case of a floor that was never assembled. Organised violence in this order was distributed among five hands from the first day and remained so; the crown's professional army stood at some three and a half thousand men in the sixteenth century and was capped by statute at twenty-four thousand in the eighteenth; and from 1573 the coronation oath itself, written in the king's voice, released his subjects from allegiance if he broke the terms. A plural floor turns out to be a different object rather than a defective one, and it severs two things this method had treated as a single variable.

Its liberty variable is documented, contested and unusually exact. The Commonwealth had the strongest legal protections against the state anywhere in Europe and none whatever against the lord, and the two facts are one instrument seen from two ends. The study spends its sharpest attention there and on the arrangement's internal coordination, as the method requires.

And it offers the open problem — how a centre gets capable men without getting men capable of replacing it — in a form no other case in this collection supplies, because here the claimant class did not have to be managed by a centre. It had disabled the centre instead. The seventh entry on the Menu is this study's principal contribution.

The study was built the way the series is built, one module at a time. The author brought the framework, the direction and the judgement of the whole, and held the collaboration to its disciplines; Claude, Anthropic's model, did the research — verifying load-bearing quotations, dates and figures by search against sources reproducing the primary text before any module was written — and produced the drafts, applying the framework module by module, each presented and confirmed before the next was begun. A seed written by an earlier Claude supplied a starting spine and was wrong in several particulars; where the research contradicted it, or contradicted the framework's own expectation, the research was followed. The framework is scaffolding and a lens, not a cage, and several of this study's better findings are corrections to what it had predicted.

The disciplines

The method of information asymmetry. The study's engine throughout is the exact public words set beside the exact private ones. Gediminas's open letters of 1323 promising Christendom churches and conversion, beside the papal envoys' private report of 1324 recording his refusal and the threats from his own magnates and his Ruthenian subjects that produced it. The Warsaw Confederation's celebrated promise that no man would be killed or dispossessed for his confession, beside the reservation

clause of the same instrument confirming that a lord might punish his subject in spiritual matters according to his own judgement. The maxim *neminem captivabimus* — we shall imprison no one — beside the clause it abbreviates, which says *no landed man of the land*. The arithmetic is laid out and the sum left to the reader. The conclusion is not preached.

Quotation. Public-domain primary sources are quoted exactly, in the original, with a translation, at the length the argument needs. This study quotes less in the original than its predecessors, and the shortfall is recorded as a defect rather than presented as a choice: the Latin of the *Nihil novi* constitution of 1505, the clause of the Act of Krewo of 1385, the sentence on the several rites from the envoys' report of 1324, the central passage and the reservation clause of the Warsaw Confederation of 1573, article fifteen of the Henrician Articles, article three of the Union of Lublin, the immunity formula of 1425–33 and the masthead of the *Merkuriusz Polski* are given in their own orthography. A larger number of load-bearing instruments — the privileges of 1374, 1454, 1496, 1518, 1520 and 1539, the constitutions of 1717 and 1791, the Targowica act of 1792 — are described from published editions and scholarly accounts, their wording not having been verified against the *Volumina Legum* or the Lithuanian *Metrica*. Every module says so in its own note on sources, and the recovery of those texts is named as the first task before this study should be considered finished. Modern copyrighted scholarship is paraphrased, briefly, and credited.

No fabrication. No quotation, date, attribution or figure is invented or reconstructed from memory. What could not be verified is dropped or flagged, never guessed, and this study drops a good deal: the line *si non iurabis, non regnabis*, which Polish scholarship holds to be a later composition welding two episodes with two different speakers; Gediminas's reported remark about the devil and his baptism, given as reported content rather than as a quotation; the Arabic of Ibrahim ibn Yaqub, which survives only through a later compiler; and the civilian toll at Praga in November 1794, which is given without a figure. Contested figures are given as ranges, and where two authorities cannot be reconciled — as with the plague mortality of 1708–12 — the discrepancy is printed rather than smoothed.

Gravity without partisanship. Suffering is held with gravity, and the study refuses both flattery and demonisation. Its watchword is that legibility is not pardon: to understand how a thing was done is not to forgive its being done. Equally, naming an origin as built is not a debunking — a thing that was constructed and then became real is more durable than a lie, and the people who defended the orders described here were not dupes. Where the largest single casualty figure in the case has been revised downward by a factor of five by careful demographic work, the range is given, the

revision named, and the correction of a number is not permitted to become an argument about the event.

Contribution. Every module returns a refinement to the framework, stated plainly in its closing section, rather than merely applying the framework to the case.

Held as tested, not revealed. The pattern is treated as something discovered and tested against the evidence, not handed down as doctrine — a tendency, never a law, corrected wherever the record refuses it.

What the study returned

Stated compactly, and argued in the modules: that a floor of force can be plural, and that where it is, the strength of the state's floor and the fullness of the ordinary subject's cost column move independently and habitually in opposite directions, because the credible enforcer nearest the villager is not the state's; that a written right of resistance should be read as a report on the distribution of force rather than as a statement about ideas; that a register of existing fighters is the tell of a frontier force the state could neither raise nor disperse, and that the number on the list becomes from that moment its principal instrument and its principal danger; that where an elite's wealth is already allodial there is nothing for a crown to convert and no title to re-source, so the ruler pays in jurisdiction, immunity and consent, and payments in that currency ratchet because unlike an estate they cannot be repossessed; that a settlement's boundary marker may be neither a thing nor a person but a performance by other members, which makes it leak upward, impossible to police downward, immune to every instrument that operates on property, and attackable only by an outside power that substitutes documents for oaths; that all three settlement fictions may run simultaneously in one state, sorted by region, with the depth of the order beneath selecting between them; that an order can run a manufactured robe upward and an inherited robe downward at once and never notice it is doing two different things, because a former conquest's parish is already doing the work at somebody else's expense; that a liberty clause which removes a power from the centre without abolishing it has moved the power rather than destroyed it, and the module's task is to find where it landed; that withheld formation is not absent formation but delegated formation, and the delegate acquires a power the delegator cannot recover, the interval between the refusal and the appearance of a rival authority being about one generation; that in a contested formation the fight is over licences rather than creeds, and the side that licenses first holds the ground; that the calendar is the load-bearing item and the parties to any negotiation know it, which is why a bishop's obedience is conceded and a village's year is not; that the exit dial can be read off the extraction schedule and

therefore mapped, since where the rate falls off toward a frontier the frontier is the door; that an exit which arms the man who takes it makes the exit dial and the floor of force one variable; that a deferred obligation with a fixed maturity date schedules its own grievance, and a cohort that matures together grieves together; that what competition between two claimants on a body produces is a right to be heard rather than a lighter load; that the disguise in an extraction measures its audience, so an obligation stated plainly in the statute is evidence of an absent external conscience rather than of a mild regime; that where land is abundant and labour scarce a land-taking order bids for population instead of clearing it, and the point of maximum danger is the expiry rather than the seizure; that a state which cannot tax and a state whose taxpayers are its legislature are identical in a revenue table and opposite under military pressure, the diagnostic being the identity of the body that granted the exemptions; that where the floor is plural, censorship is not an administrative capacity but a lawsuit against a peer, so such orders show long silences punctuated by sudden severity timed to the composition of the assembly; that a suppressor chooses the spout of his funnel only where his reach exceeds the channel; that the position of the party who explains a country to Europe cannot be abolished but only occupied, and a state that vacates it will find it filled by whoever profits; that the open problem may be answered not by a centre managing its claimants but by claimants ensuring the centre is not worth taking, which is durable where the claimant class holds the floor and its wealth allodially, and which fails from outside rather than from within; that a unanimity rule paralysing a central body is a transfer instrument and not a vacuum, and was adopted by the people at the level to which the competence falls; that the poorest member of a privileged estate is the mechanism by which the richest controls it, so the intensity with which a group defends an arrangement may be evidence that the arrangement is all it has; that the dangerous man is not the one with the most grievance but the one whose grievance is legally valid and practically unenforceable; that an unattached general principle need not come from a lost fight, since vanity generalises in the maxim what the drafting particularised in the clause, and it is the maxim that stays available; that where anyone below the settlement's line is admitted, the cause is a faction above needing weight in a fight it is losing, and the admission will arrive in a package that adjusts the electorate; that elite overproduction can be defused by formal seating without material provision, which converts a surplus into a client class rather than a counter-elite; that where a constitution supplies a lawful and symmetrical route to its own suspension it has guaranteed that the last party to use the route wins, and that party will be the one with a foreign patron; that the last thing an outside power requires from a disabled order is not consent but paperwork, which the order's own

procedures specify; that the class which wrote a rising's demands is the class that made the event, so a rising may be read from its treaties without any casualty figures at all; that a metabolic note is diagnosed on the export ledger, an order that ships its bread away holding no note on its own population, so that its collapse toll is military rather than metabolic; that the note and the household's reserve are separate variables and an extractive order can destroy the second without creating the first; that what a population remembers about an arrangement is the point at which it touched them, not its doctrine; and that the constitutional form of a state does not determine the position of its ordinary subjects, which is settled instead by whether the men who hold the land also hold the jurisdiction over the people on it.

The arc

A landscape opening and twelve modules, each with a framework function and its own evocative title.

Landscape — the ground beneath the union. *And We All Have One God.* Four separate conquests standing on one plain — a Piast warlord with three thousand mailed retainers and a baptism taken in 966, a Rus' build given a Greek baptism in 988 and broken by the Mongols in 1240, a pagan duchy that swallowed the wreckage without converting anybody, and a crown that became purchasable the morning a dynasty ran out of sons in 1370; a ruler advertising for settlers with the town law of a city he did not own; and the four privileges by which a third of a grand duchy changed states in the spring of 1569 while its delegation was out of the room.

1 — The Floor of Force. *We Make Them Free From Obedience.* A founding with no battle in it; a levy that assembled seventy thousand men and deliberated instead of marching; a standing army of some three thousand funded by a quarter of the royal estates, from which the districts most exposed to raiding were exempted; three hundred frontier fighters the state wrote down because it could not raise them; and a coronation oath in which the sovereign released his own subjects from allegiance in advance.

2 — The Settlement. *Two From The Father, Two From The Mother.* An estate whose boundary was four or six neighbours' oaths and no register anywhere in the country; forty-seven coats of arms given away at a frontier castle on a condition of confession; a survey that measured a duchy into rectangles and turned men who could not produce proof into peasants; and the discovery that a crown with nothing to grant must pay in law, which cannot be taken back.

3 — The Robe. *According To His Own Judgement.* The most famous toleration in early modern Europe read for its reservation clause; a peace sworn between armed men five months after St Bartholomew's Day; a doctrine of Sarmatian descent minted by an

estate for itself; a royal edict of 1596 that changed no article of belief and moved only the question of who might lawfully be obeyed; and an order that cut an elaborate robe upward and none at all downward, because a previous conquest had already done that work.

4 — Formation. *With The Entire Zaporozhian Host.* Four populations, four installers of the cast of authorities, and not one of them the state; a magnate's press that decided what a confession would read; a merchants' guild that licensed its school from a patriarch beyond the state's reach; and a hetman who enrolled his army in a brotherhood school, in whose church a whole replacement hierarchy was consecrated under Cossack guard.

5 — The Cost Column. *We No Longer Trust This Deceiver.* Why the ordinary man complied, read from his side; a labour bill that rose from one day a week to five; an appeal to the crown given away in 1518 and never returned; a benefit column that was thin and not empty; and an exit so real that the burden was heaviest where the exit was furthest and the men who took it came back armed.

6 — Extraction. *Free Navigation On The Vistula.* One of Europe's great grain exporters whose treasury took under a gram of silver a head; an obligation levied in labour because nobody needed the disguise; three dated statutes by which the largest exporters exempted themselves from the duty, the tax and the tolls; and a frontier where the extractor bid for people instead of clearing them.

7 — Information and Suppression. *For The Common Knowledge.* A censorship that could only be run by suing the nobleman whose ground the press stood on; sixty-eight assemblies sending binding written mandates and nothing at all for nine-tenths of the population; one royal newspaper that lasted forty-one numbers and died four days after the reform it existed to sell; and a European reputation the Commonwealth declined to manage, which its neighbours therefore manufactured and cited as grounds for invasion.

8 — Elite Coordination and the Default. *The Tsar Was To Be Guarantor.* A claimant class that did not have to be managed because it had disabled the centre; a single-hand veto that was not a brake but a transfer; the poorest member of an estate as the instrument by which the richest ran it; a man whose royal charter the state could not enforce and who had three hundred followers; and a default so complete that its beneficiaries invited the power that would end the country in order to preserve the arrangement.

9 — Plurality or Foreclosure. *No Landed Man Of The Land.* The strongest protections against the state in Europe and none whatever against the lord; every liberty traced to a named factional bargain; a clause that names its beneficiaries twice

and a maxim that says *no one*, and which of the two was picked up three and a half centuries later; and the eighteen months in which a faction above needed the weight of the men below.

10 — Change and Collapse. *The Act Was Predated.* A floor that was never assembled and therefore could not crack, so the question inverts; a rising read from its treaties rather than its casualties; an exhaustion that killed by armies because there was nothing to withdraw; a reform made by a king and a magnate faction and destroyed by another; and an invasion that required not consent but paperwork, drafted in St Petersburg and backdated to the hour the troops crossed.

11 — The Grim Accounting. *The Manorial Prisons.* The sword column for two hundred and twenty-six years, most of it inflicted not by the arrangement but on the territory it had made itself unable to defend; a metabolic note that comes out near nil for a reason legible on the export ledger; a household reserve that was gone anyway; the omissions, which are the largest column; and the February in 1846 when the settlement's former subjects were asked to join a national rising and burned the manors instead.

12 — Convergence and Divergence. *Answerable To Each Other.* What this order shares with places it never heard of; the pairing that isolated a different variable from the one expected; the naturalisation that happened after the order was already dead; and the strongest case for the defence, stated in full by people who are not fools and answered without flinching — that a polity can be genuinely freer, more tolerant and more consensual than its neighbours and can, by the identical mechanisms, leave most of the people inside its borders with no appeal against anything.

AND WE ALL HAVE ONE GOD

Landscape — the ground beneath the Commonwealth: four conquests laid one upon another between the tenth century and 1569, the crown that became purchasable when a dynasty failed in 1370, and the finding that the union's famous plurality began as a chancery arithmetic for holding a majority nobody ever intended to convert

Where the periods are cut, and why

This study runs from the Union of Lublin, sworn at Lublin on 1 July 1569 and confirmed by the king on 4 July, to the third partition of 24 October 1795. Two choices inside that span need stating before anything else, because both are contestable and both shape what follows.

The first is that 1569 is treated as a re-founding rather than a founding. The Commonwealth that came into being that July was assembled out of instruments already two centuries old, and the decisive ones were not made by anybody thinking about a commonwealth. The crown became elective because a dynasty ran out of sons in 1370. The nobility acquired the right to be consulted on new law, on taxation and on mobilisation because kings needed a succession, a levy and an election that they could not simply take. The rule that no new law binds without the common consent of the senators and the land deputies was enacted at Radom in 1505, sixty-four years before there was a Commonwealth to bind. A study that begins in 1569 will find these things already standing and will be tempted to explain them by the character of the men standing among them. So the Landscape goes back to the tenth century, and the first module after it will find the floor of force already divided when the state was founded, because it had been divided for a long time before.

The second is that the first partition of 1772 is treated as a hinge inside the case rather than as its end. There is a respectable argument for stopping there and running 1772–95 as a coda, on the ground that after the first partition the Commonwealth was a protectorate deciding nothing of consequence. The argument is refused here for one reason: the reform attempt of 1788–92 is the single best piece of evidence the case offers about what the arrangement's beneficiaries would and would not give up, and evidence of that quality cannot be relegated to an appendix because it arrived late. A reform that comes too late tells you more about a default than one that never comes at all.

Why this ground has to be read from six centuries back

No conqueror in this record ever met an aboriginal condition, and on this particular plain the layering is unusually thick and unusually well dated. Four builds were standing on the ground that the Commonwealth inherited in 1569, and they are separate events with separate causes.

The first is the Piast conquest of the Vistula and Warta basins in the tenth century and the Latin baptism its ruler took in 966 — a build so complete that by the sixteenth century the descendants of the conquered could not have told you Christianity had ever arrived, because Latin Christendom was simply the shape of the world. The second is the Rus' build on the Dnieper, its own Varangian conquest naturalised and given a Greek baptism in 988 by a decision taken in one princely household, exactly as Mieszko's had been. The third is the Mongol overlay of the 1240s, which broke the Rus' apex, made tribute the ordinary condition of the Dnieper and Volhynian lands, and left behind not an order but a field of fragments. The fourth is the Lithuanian conquest that gathered those fragments up across the fourteenth century, and it is the strangest of them, because it was carried out by a small pagan people who never attempted to make their subjects pagan, adopted the conquered's script for their own chancery, and left the conquered's law, church and calendar exactly where they found them.

To these four must be added two populations that did not arrive by conquest at all but by instrument — the German-law townsmen and the Jews — each invited in by a written charter issued by a ruler who wanted people he did not have. That is a different mechanism from conquest and it produces a different kind of subject, and the difference will matter enormously later, when the towns and the Jewish communities turn out to be legally attached to the ruler and the lord rather than to the country.

Naming all of this as built is not a debunking of any of it. A thing that was constructed and then became real is more durable than a lie, and the Orthodox villager of Volhynia in 1569 was not living inside somebody's old political calculation; he was living inside his world. The point of establishing the layers is narrower and entirely practical: a ruler's options are set almost wholly by what he finds, and what the Jagiellons found on the Dnieper was not a people to be governed but the residue of three previous governments, none of which had left a single seat from which the whole could be commanded.

Landscape I · Three thousand armoured men

The earliest external description of the Polish state was written by a Jewish traveller from Tortosa in al-Andalus, Ibrahim ibn Yaqub, who was at Otto I's court at Magdeburg in 965 or 966 and gathered what he could about a power he had not previously heard of. His own book does not survive; what survives is the use made of it by the eleventh-century Andalusi geographer al-Bakrī in his *Book of Roads and Kingdoms*, and by a thirteenth-century compiler after him. What comes down through that chain is short, and two sentences of it are worth the whole.

The country of Mieszko, he reports, is the largest of the Slav countries, abundant in food, meat, honey and arable land, and the dues its ruler collects are paid in the trade weights of the market. And then:

> *He has three thousand armoured men, divided into detachments, and a hundred of them are worth as much as a thousand of other men. He gives them clothing, horses, weapons, and whatever they need.*

The wording here is a modern published translation of a text transmitted in Arabic through two later compilers, and it is quoted as such rather than as an exact original; the substance — three thousand mailed retainers on the ruler's payroll, equipped and maintained by him — is not in dispute among the editors, and it is the substance that matters. Because what it describes is a standing force belonging to one man, paid from tribute and from the profits of a trade that included slaves, quartered in a network of timber-and-earth strongholds, and used to bring neighbouring Slav peoples under the rule of the Polanie of Gniezno. That is a conquest, conducted by a warlord with an income, and it is the origin of the Kingdom of Poland.

The baptism of 966 was a decision taken inside that same household, in the same year Mieszko married the Bohemian princess Dobrawa, and it was a decision about the ruler's position: it removed the standing pretext for a Saxon crusade on his western border, it bought him a bishop and a chancery, and it did not require anybody else's consent. Some thirty years later he or his heir placed the realm under the protection of the Apostolic See in the document known from its opening words as *Dagome iudex*, of which only a late and mangled summary survives — a fact worth holding, because the founding instrument of Poland's relation to Rome exists today as a regest in a cardinal's collection rather than as a text.

What matters for this study is not the sincerity of that baptism, which is unrecoverable, but its afterlife. Five hundred years of formation ran on it without interruption — parish, calendar, saint's day, oath, the whole apparatus by which a person is told before he can weigh it whom to believe without checking — and by the

sixteenth century it had taken so thoroughly that no szlachcic in the Sejm could have conceived of the Crown as anything other than a Christian kingdom in Latin Europe. The origin was a conquest and a bargain. The result, six centuries on, was not a performance anybody was keeping up. It was the furniture of the room.

Landscape II · The line that ran out

Casimir III died on 5 November 1370 without a legitimate son, and the Piast line ended in the Kingdom. Everything characteristic of the Polish constitutional order dates from after that morning, and the mechanism is visible in the documents with unusual clarity, because each instrument states plainly what was being bought.

The crown passed by prior agreement to Casimir's nephew Louis of Hungary, who had two surviving daughters and no son. To put a woman on the Polish throne was a novelty, and novelties require consent from whoever can withhold it. On 17 September 1374 at Koszyce, Louis bought that consent. He released the knighthood of the kingdom from all dues to the crown save one — an annual payment on St Martin's day of two *grosze* of the current coin, forty-eight of which made a Polish mark, from every settled and held *łan* or part of one — released them from the obligation to build and repair castles, from providing the king's travelling court with food and lodging, and undertook that offices in the kingdom would go to Poles; and he reserved that if an enemy invaded, the nobility of the Crown must come out with all their strength. The wording here is from the published modern Polish rendering of the Latin instrument; the Latin original has not been verified for this module and is therefore not quoted.

Read what the transaction actually was. A king with a defective title paid, in permanent law, for a succession he could not command. He paid in the currency that cost him least at the moment of payment — not land, not office, not troops, but a rule — and a rule, once granted to an estate that can meet and remember, is very hard to take back. And the counterparty was not a faction that had won a fight. It was simply the body that held the veto over the thing the king needed.

The pattern repeats, and each repetition has a stated price.

In 1385 the Polish lords, acting for the eleven-year-old Jadwiga, offered the crown to the pagan Grand Duke of Lithuania, and on 14 August at Kreva castle Jogaila confirmed his undertakings: to receive baptism with his people, to release Christian captives, to help recover the Kingdom's lost lands, and — in the clause that has been argued over ever since — *terras suas Lithuaniae et Russiae Coronae Regni Poloniae perpetuo applicare*, "to join his lands of Lithuania and Rus' to the Crown of the Kingdom of Poland for ever." *Applicare* is doing enormous work and nobody knows precisely how much; Polish historians have read it as incorporation and Lithuanian

historians as association, and the ambiguity was not resolved for a hundred and eighty-four years. He was baptised at Wawel on 15 February 1386, married Jadwiga three days later, and was crowned on 4 March. He had bought a kingdom with a conversion, and the kingdom had bought a Lithuania with a crown.

Jagiełło then spent thirty years trying to buy something for his sons. An attempt at Brześć Kujawski on 25 April 1425 did not take effect. On 4 March 1430 at Jedlnia and again on 9 January 1433 at Kraków he obtained the szlachta's assent to the succession of a son, and the price included the guarantee against arrest and against confiscation of property without a prior judicial conviction that later crystallised as *neminem captivabimus nisi iure victum* — "we shall not imprison anyone not defeated at law." One caution belongs here, because the phrase is so famous: at least one Polish scholarly account holds that those words do not actually appear in the Jedlnia instrument and that the maxim formed afterwards out of the provisions rather than being their opening line. The provisions are certain; the wording's place in the document is contested and is flagged rather than asserted.

In 1447 Casimir IV, having taken the Polish crown, extended the equivalent immunities to the boyars of the Grand Duchy. In September and November 1454, with the Thirteen Years' War against the Teutonic Order under way and the levy assembled in camp and disinclined to march, the same king issued at Cerekwica and then at Nieszawa the privileges that required him to obtain the consent of the local assemblies — the *sejmiki* — before promulgating new law, imposing new taxes, or calling out the general levy. That is the constitutional core of the Commonwealth, and it was purchased in a war camp from men who had the king's campaign in their hands.

Then the elections themselves became occasions of purchase. On 25 October 1501 Alexander Jagiellon, wanting the Polish crown, signed at Mielnik an instrument transferring the initiative in legislation to the Senate — which is to say, to the magnates who sat in it. The szlachta in the Chamber of Deputies refused it, and it was undone by the sejms of 1504 and 1505; and at Radom in 1505 the same king set his seal to the constitution that names the whole system:

> *Quoniam iura communia et constitutiones publicae non unum sed communem populum afficiunt, itaque in hac Radomiensi conventione cum universis Regni nostri praelatis, consiliariis, baronibus et nuntiis terrarum, aequum et rationabile censuimus ac etiam statuimus, ut deinceps futuris temporibus perpetuis, nihil novi constitui debeat per nos et successores nostros sine communi consiliariorum et nuntiorum terrestrium consensu, quod fieret in praeiudicium gravamenque Reipublicae, et damnum atque incommodum cuiuslibet privatum, ad innovationemque iuris communis et publicae libertatis.*

> *Since the common laws and public constitutions affect not one man but the people in common, therefore in this assembly at Radom, together with all the prelates, councillors, barons and land deputies of our Kingdom, we have judged it fair and reasonable, and do also enact, that henceforth and for all future time nothing new shall be established by us or by our successors without the common consent of the councillors and the land deputies, which would be to the prejudice and burden of the Commonwealth, or to the loss and inconvenience of any private person, or would tend to alter the common law and the public liberty.*

Nothing in that sequence requires a theory of national temperament, and nothing in it requires anyone to have been thinking about liberty. It requires only a run of rulers each of whom needed, from a body that could refuse, a thing he could not take: a daughter's succession, a marriage, a son's succession, a levy, an election. Each paid in the cheapest available coin, which was law. And law accumulates.

Landscape III · The gods in the groves, and a prospectus

The other half of the future Commonwealth was, at the moment the Polish line failed, the last polity in Europe whose ruler still sacrificed to his own gods, and its Christianisation falls inside the documentary record — which is a gift, because it lets a build usually inferred be watched instead.

Mindaugas had taken a crown from Rome in 1253 and the Lithuanian sources and the Order's sources disagree, in ways that serve each side, about whether he abandoned it; he was killed in 1263 and the experiment ended. Sixty years later his successor Gediminas ran the same manoeuvre with far greater skill, and left six letters that survive in copies.

The letters are, among other things, the most explicit advertisement for population in this collection. To the citizens of Lübeck, Stralsund, Bremen, Magdeburg and Cologne on 25 January 1323 — the letter in which the name of Vilnius appears for the first time in any surviving source — and again to Lübeck, Rostock, Stralsund, Greifswald, Stettin and Gotland on 26 May, he opened his land to knights, squires, merchants, physicians, smiths, wheelwrights, cobblers, furriers, millers, tavern-keepers and craftsmen of every trade, each to be given land according to his standing; promised farmers ten years free of all dues before they began paying a tenth; promised merchants free entry and exit without toll or duty; and offered the common people the town law of Riga — a law belonging to a city he did not rule — unless his own wise men should devise something better. He asked the Franciscans for four brothers who could preach in Polish, Semigallian and Ruthenian. He noted that he had already built them two

churches, one in Vilnius and one in Navahrudak, and the Dominicans a third, so that each man might worship God according to his own rite. He wrote that his word would sooner turn iron to wax and water to steel than be recalled.

This is a ruler with land and no people, bidding in an open market against every other lord on the Baltic for craftsmen and cultivators, and the generosity of his terms is a measure of the competition, not of his character. It is also, on its face, a promise of religious liberty; and the document that shows what it actually was arrived eighteen months later.

The papal legates' envoys reached Vilnius on the Saturday after All Saints, 1324. They found the friars in the town telling them the grand duke had changed his mind. They found the grand duke himself sitting in his hall with some twenty councillors, which they disliked, having hoped to find him alone. When they put it to him that his letters had said he wished to be baptised, he answered that he had not ordered that written, and that if brother Berthold had written it, let it fall on Berthold's own head — and that if he had ever had such a thing in mind, the devil might baptise him. That last sentence is given here from the published translation of the report; the Latin wording has not been verified and is therefore not quoted in the original. But the sentence that follows it in the same report is verified, and it is the one that matters:

> *...christianos deum suum colere secundum morem suum, ruthenos secundum ritum suum, polonos secundum morem suum, et nos colimus deum secundum ritum nostrum, et omnes habemus unum deum.*
>
> *...the Christians worship their God according to their custom, the Ruthenians according to their rite, the Poles according to their custom, and we worship God according to our rite, and we all have one God.*

It is a beautiful sentence and it has been quoted for six hundred years as an early monument of toleration, and it may well have been sincerely meant; sincerity at this level is not recoverable and the framework does not pretend to recover it. What *is* recoverable is the position it was spoken from, and the same report supplies that too, in the passages the envoys wrote down privately at the end. They had heard, from the friars and from laymen, that the Prussian brothers had distributed cloaks and valuables among the leading men of Samogitia, who had thereupon told the grand duke to his face, repeatedly and during that year, that if he took the faith they would make war on him and his sons, drive him from his kingdom with the Order's help and root him out entirely; and that his Ruthenian subjects had made threats of the same kind against him for leaning to the Latins. He was a pagan ruler with a Catholic frontier to the west that wanted a pretext, a Catholic mission in his capital that he had invited, an

Orthodox majority in his own lands, and a pagan aristocracy at home that would depose him if he moved. There was no baptism available to him that did not cost more than it bought.

Set the two documents side by side and the arithmetic is on the page. The public letters of 1323, addressed to Christendom, promise churches and conversion. The private report of 1324, addressed to the men who had sent the envoys, records the refusal and the threats that produced it. The formula about one God is not the opposite of the threats. It is what a ruler says when the threats have made every exclusive answer unaffordable.

Landscape IV · A king of the Lithuanians and many Ruthenians

Gediminas styled himself, in the letters and in the pope's reply of 1 June 1324, king of the Lithuanians and of many Ruthenians. The second half of that title is the structural fact of the Grand Duchy and the reason it belongs in this study at all.

The Rus' lands had been a build of their own. A Varangian dynasty on the Dnieper, a baptism taken by Volodymyr in 988 as a ruler's decision in a ruler's household, a metropolitan see, a body of written law, a chronicle tradition, princely lines proliferating across a hundred and fifty years until the inheritance was divided among more claimants than there were principalities to seat them. Then, in the winter of 1240, the Mongol armies took Kyiv, and what had been a fragmenting order became a field of tributaries paying to Sarai. When the Lithuanians came west and south along the Dvina and the Dnieper across the fourteenth century — Polotsk, Vitebsk, Navahrudak, the Chernihiv lands, Kyiv under semi-Lithuanian control from the 1320s and secured in the campaigns of 1362 or 1363 — they were not conquering Rus'. They were collecting pieces of it that three previous conquests had already broken loose.

The manner of the collection is what makes the case unusual. There was no conversion programme; the Grand Duchy remained officially pagan until 1387 and its Orthodox subjects outnumbered its pagan ones by a wide margin throughout. There was no imposed law; the local *starina* stayed in force, and when the Grand Dukes later issued regional charters they issued them in the formula that has become a textbook line — *старины не рухаем, а новин не уводим*, "we do not break the old ways, nor do we bring in novelties." There was no imposed language: the chancery of the Grand Duchy wrote in Ruthenian, the conquered's tongue, and continued to do so through the Statutes of 1529, 1566 and 1588. The conquering dynasty married into the princely houses it displaced, took Orthodox wives, and let its junior members be baptised in the eastern rite. A Lithuanian conquest of Rus' looks, from close up, remarkably like Rus' carrying on with a new set of names at the top.

Two cautions belong on that picture, both from Lithuanian and Belarusian scholarship.

The first is that the *starina* formula was a claim and not a description. Work on the regional charters and the land contracts in the Lithuanian Metrica has argued that the nobility were perfectly willing to accept legal innovations as "old ways" when it suited them and to appeal against "novelties" when it did not, and that a reading of the formula as evidence of Lithuanian conservatism does not survive contact with what the chancery actually did. The formula should therefore be read for what it was for — a promise to the conquered that nothing they cared about would move — rather than as a report on practice.

The second is sharper and belongs to any account of a founding. The decisive victory over the Tatars at Blue Waters, which the Lithuanian chronicles make the moment Kyiv and the southern lands passed by right of the sword, is attested in the earliest annals only as a brief notice of a campaign; the circumstantial account of the battle comes from Maciej Stryjkowski's chronicle, printed in 1582, more than two centuries later. Lithuanian historians have argued that the elaboration is a late-fifteenth- and early-sixteenth-century composition, made at the moment when Moscow, having thrown off the Horde, began claiming all the lands of Rus' — that the Grand Duchy needed a right of the sword precisely then, and wrote itself one. The date of a founding legend's composition is a fact about the audience it was written for. This one was not written for the Ruthenians and not written for the Lithuanians. It was written for Moscow.

So the Grand Duchy that entered the union in 1569 was a state of very large extent and very little apparatus, whose ruling family was Catholic, whose senior office-holders were increasingly Catholic and increasingly Polish-speaking, whose written law was in Ruthenian, and whose subjects were mostly Orthodox and had never been asked to be anything else. Its hold on those subjects cost almost nothing, because it demanded almost nothing. That is worth stating flatly, because a great deal of what follows in this study is a bill for it.

Landscape V · Populations that arrived by charter

Two of the peoples living on this ground in 1569 had come there in answer to a document.

The German-law towns came first, from the thirteenth century onward — Kraków, Poznań, Lwów, Wilno and hundreds of smaller places chartered on the pattern of Magdeburg, with their own council, their own court, their own measure of self-government, and a legal existence that ran to whoever had chartered them rather than

to the country around them. They were founded because rulers wanted markets, customs revenue and craftsmen, and the terms were generous for the same reason Gediminas's were generous: there were more lords wanting townsmen than there were townsmen to be had.

The Jews came on the same principle and by a still more explicit instrument. On 8 September 1264 at Kalisz, Bolesław the Pious, duke of Greater Poland, issued the general charter that later rulers extended and confirmed — Casimir III in 1334 for the whole kingdom, Casimir IV in 1453, Sigismund I in 1539. Its forty-six clauses are almost entirely procedural, and the procedure is the point: a Christian accusing a Jew is not to be heard except on the testimony of two good Christians and two good Jews; a suit over a pledge that the Jew denies is settled on the Jew's oath if the Christian will not take his word; disputes among Jews are not to be judged by anyone but the Jewish court and the duke; killing a Jew draws punishment and forfeiture of property; a Jew may travel anywhere in the duke's lands freely and safely. The clauses here are given from a published English rendering of the abridged text; the Latin has not been verified for this module.

Read as an instrument rather than as an ornament, the charter does two things at once. It makes a population legally safe enough to be worth immigrating to a frontier country for, which is what the duke wanted; and it attaches that population directly to the ruler's jurisdiction, over the head of every town, guild and bishop between them, which is what the ruler needed if the benefit was to accrue to him. Every protection in it is also a wire running from the community to the apex. In the sixteenth century, when the great eastern estates were built, the same structure would be reproduced at a lower level, with the lord replacing the duke as the source of the protection and the recipient of the benefit. That is a structure, not yet a catastrophe, and it is set down here as it stood at the time rather than read backwards from what later happened on it.

Landscape VI · The arithmetic of 1569

The union of 1385 was renewed and re-argued for the better part of two centuries — at Vilnius and Radom in 1401, at Horodło in 1413, at Grodno in 1432, at Vilnius in 1447 — because it was never one thing. The Poles held that Lithuania had been joined to the Crown; the Lithuanians held that two states shared a dynasty. As long as the dynasty produced sons the question could be deferred.

Sigismund II Augustus produced none. He was the last of the Jagiellons, he knew it, and from 1562 he worked for a union that would survive him, because the alternative was that Poland would elect a king and Lithuania would go its own way, in the middle of a war with Muscovy over Livonia that Lithuania was losing. In 1564 he ceded his

hereditary rights in the Grand Duchy. The lesser nobility of the Grand Duchy were broadly for the union, because it would bring them the Polish privileges; the magnates who ran the Grand Duchy were against it, for exactly the same reason.

The sejm assembled at Lublin on 10 January 1569 and sat for nearly six months. On 1 March the Lithuanian delegation walked out. What the king then did is the most instructive act in the whole prehistory of the Commonwealth, and it was done not as king of Poland but as hereditary lord of the Grand Duchy: by privilege of 5 March he transferred Podlasie to the Crown; by privilege of 27 May, Volhynia; by privilege of 6 June, the Kyiv and Bracław lands. Something over a third of the Grand Duchy's territory, and with it the Ruthenian nobility who held it, changed states by four strokes of a pen, in the absence of the delegation that had left. The magnates came back to Lublin and negotiated. The act was agreed on 28 June, sworn on 1 July, and confirmed by the king on 4 July, its third article declaring:

> *Iż już Krolestwo polskie i Wielgie Księstwo litewskie jest jedno nierozdzielne i nierożne ciało, a także nierożna ale jedna a spolna Rzeczpospolita, ktora się z dwu państw i narodow w jeden lud zniosła i spoiła.*
>
> *That the Kingdom of Poland and the Grand Duchy of Lithuania are now one indivisible and undifferent body, and likewise not a different but one common Commonwealth, which out of two states and nations has brought together and joined itself into one people.*

And with it, that this double nation should for ever be commanded by one head, one lord and one common king, elected by the common votes of the Poles and of Lithuania, the place of election to be in Poland.

The one people had a common king, a common sejm, a common coinage, a common foreign and defensive policy — and separate treasuries, separate armies, separate offices and separate courts, the Grand Duchy keeping the Lithuanian Statute as its law. The Chamber of Deputies seated something on the order of seventy-seven deputies from the Crown against fifty from the Grand Duchy, and the Senate a hundred and thirteen senators against twenty-seven; the exact counts vary between authorities and are given here as approximate. The arrangement was a federation described in the language of a fusion, and both descriptions were true of different parts of it, which is precisely what one expects of a text negotiated for six months by two delegations that wanted different things and one king who needed a signature before he died.

What the instrument gathered up was, on the estimates that can be given, something in the range of seven to eight million people across perhaps eight hundred

thousand square kilometres: a rough and much-argued breakdown puts something like four and a half million Poles, two million Ruthenians, three-quarters of a million Lithuanians and around half a million to three-quarters of a million Jews, with Germans, Armenians, Tatars and Scots in the towns and on the frontier. The nobility, by the count usually given for the following century, was of the order of eight to ten per cent of the whole — a share several times that of France or England, and the single most consequential demographic fact in the case. Rome, Constantinople, Wittenberg, Geneva and Judaism all had congregations inside one set of borders; within four years the Commonwealth would write that fact into a law, and the writing of it is the subject of a later module.

And underneath all of it ran two rivers going opposite ways. The Vistula carried rye and timber north to Gdańsk and from Gdańsk to Amsterdam, in volumes that rose through the sixteenth century from a few thousand *lasts* a year to tens of thousands — the figures are contested and the series incomplete, but the direction is not, and by 1618 the port's own tradition claims some hundred and eighteen thousand *lasts* leaving in one year. The Dnieper ran south to the steppe, the Tatars and the Black Sea. One of those rivers made the fortunes of the men who would run the Commonwealth. The other decided how much of the country could be held.

Reading the eve against the framework

Three things this ground demands of the framework, offered as refinements to be tested by the modules that follow rather than as conclusions.

First: a conquest that cuts no robe for the conquered is cheaper than one that does, and the framework does not yet have a place for it. The collection has worked with a gradient running from an order held at sword-point to an order the governed enforce on themselves, and with the diagnostic that surveillance is the tell of a belief that never took. The Lithuanian hold on Rus' sits off that scale. Vilnius did not run a belief on its Ruthenian subjects and did not fail to install one; it never attempted one. It converted nobody, imposed no law, imposed no language, adopted the conquered's script for its own chancery, married into the conquered's princely houses, and promised in writing not to disturb the old ways. That is cheaper than an expensive hold and cheaper, in running costs, than a successful conversion, because a conversion has to be paid for in clergy, schools and calendars for as long as it lasts. What it buys is a very large territory held with almost no apparatus. What it does not buy is any share in the formation of the people held: the authorities a Ruthenian child was taught to believe without checking remained entirely in Orthodox hands, funded and staffed by men who owed the Grand Duke nothing. The order was not brittle in 1569 and there is no

warrant for calling it so. But its cheapness and its exposure are the same fact, and the case should be watched for the moment the bill is presented.

Second: liberties can be the residue of succession purchases rather than of factional victories, and the two have different shapes. The framework holds that a faction bargaining inside a hierarchy must convert its interest into a general principle to make it arguable, and that the generality outlives the interest. The Polish sequence from 1374 to 1505 does not fit that description. The szlachta of 1374 had not won a contest with anybody; they were simply the body whose assent a king with a defective title required, and what they extracted was not a principle conceded in argument but a price agreed in a transaction. The mechanism predicts three things worth testing later. It predicts that the payments will cluster at the moments of defect — a female succession, a foreign marriage, a son's succession, a war levy, an election — and they do, at 1374, 1385, 1430, 1454 and 1501. It predicts that the coin will be law rather than land or office, because law is what costs a ruler least at the moment he pays and most afterwards; and it predicts that the resulting protections will be stated as *privileges of an estate* rather than as principles of general application, because a transaction names its counterparty. That last prediction bears directly on the question this case was chosen to test, and Module 9 should test it against the actual texts rather than against this expectation.

Third: the date at which a founding legend was composed identifies the audience it was cut for. The Grand Duchy's account of its right to Rus' by the sword at Blue Waters is thin in the earliest annals and circumstantial only in a chronicle printed in 1582, and the elaboration appears to belong to the decades when Moscow began claiming all the lands of Rus'. The framework already holds that legitimacy is borrowed from a specific audience's currency and that an order may run more than one robe at once. The addition this offers is a dating rule: where a conquest narrative is composed generations after the conquest, look for the rival claim it answers, because a story written that late was not written for the conquered, who were there, nor for the conquerors, who knew, but for the third party whose recognition had suddenly acquired a price.

One expectation carried into this module did not survive it, and it should be recorded plainly. The working guide this study inherited suggested that the native order beneath the Commonwealth might be treated as a single naturalised former conquest in the manner of the earlier studies. It cannot. There are four, they are separately dated, they conflict, and two of them — the Latin build in the west and the Greek build on the Dnieper — had each reached the pole at which they were simply the shape of the world for the people inside them. The Commonwealth was not an order laid over a

naturalised predecessor. It was a legal roof thrown across two of them, and the roof was drafted by men who had six months and a dying king.

A note on sources. Quoted exactly in the original: the constitution *Nihil novi* of 1505 (Latin, verified against two independent reproductions of the text); the clause of the Act of Krewo of 14 August 1385, *terras suas Lithuaniae et Russiae Coronae Regni Poloniae perpetuo applicare*; the sentence on the several rites from the report of the papal legates' envoys on their audience at Vilnius in late 1324, preserved in the Riga city archive and printed by K. E. Napiersky, *Russisch-Livländische Urkunden* (St Petersburg, 1868–88); and article 3 of Sigismund II Augustus's confirmation of the Union of Lublin, 4 July 1569, in its sixteenth-century Polish orthography. Translations are this collaboration's own and deliberately literal. Quoted from published modern translations, and flagged as such at each point because the original wording could not be verified for this module: Ibrahim ibn Yaqub's account of Mieszko's retinue, which survives only through al-Bakrī's eleventh-century Arabic compilation; the terms of the Privilege of Koszyce of 17 September 1374, given from a modern Polish rendering of the Latin; the clauses of the Statute of Kalisz of 8 September 1264; and Gediminas's reported remark about the devil and his baptism, which is given as reported content and not as a quotation. Dropped for want of verification: nothing of substance, though the Latin of Gediminas's 1323 letters is described rather than quoted for the same reason, and the reader should treat the summary of their contents as a paraphrase of the published translations. Contested where the record disagrees: the date of the Blue Waters campaign (autumn 1362 or 1363) and its historicity as a pitched battle, on which Lithuanian scholarship is divided and the sceptical case is set out above; whether the maxim *neminem captivabimus nisi iure victum* stands in the Jedlnia instrument of 1430 or crystallised from it afterwards; whether Mindaugas apostatised, on which the Lithuanian and Teutonic accounts each serve their author; the population of the Commonwealth at the union, given here as a range of roughly seven to eight million with an ethnic breakdown that is an estimate and is treated as one; the noble share of the population, given as roughly eight to ten per cent; the exact deputy and senator counts of the joint chambers; and the volume of Gdańsk's grain exports, where the series is incomplete and the *last* is not a stable measure. Modern scholarship paraphrased and credited: the work on *starina* and *novina* in the legal and economic sources of the Grand Duchy published in *Lithuanian Historical Studies* 12 (2007), which argues against reading the chancery formula as evidence of conservatism; S. C. Rowell's edition of the Gediminas correspondence, *Chartularium Lithuaniae res gestas magni ducis Gedeminne illustrans* (Vilnius, 2003), on which the modern translations of the letters rest; and Robert Frost's account of the Polish-Lithuanian union, for the

reading of Horodło and the fifteenth-century renewals as a movement from a dynastic arrangement toward a federation of two political nations.

WE MAKE THEM FREE FROM OBEDIENCE

Module 1 · The Floor of Force — who actually held organised violence in the Commonwealth, the answer being that at no point did anybody: a levy entitled to deliberate instead of marching, a standing army of some three thousand men funded out of a quarter of the royal estates, private retinues that outnumbered it, a southern frontier held by writing down the names of men the state had not raised, and a constitution in which the sovereign released his own subjects from allegiance in advance

A founding with no battle in it

Almost every order in this collection begins with somebody's army winning. The Commonwealth begins with a signature. On 1 July 1569 the senators and deputies of two states swore an act in a hall at Lublin; on 4 July the king confirmed it; and no one was killed, no fortress changed hands, and no soldier was consulted. The coercion in the founding was real, but it was applied by parchment — four privileges detaching a third of the Grand Duchy and handing it to the Crown while the Lithuanian delegation was out of the room — and the only force in the transaction was the force that would have been needed to reverse it, which nobody had.

So the ordinary opening question of this method — who held the sword at the founding, and against whom did he use it — returns no answer here, and the absence is the finding. The right question is the one a person actually standing in that hall would have asked: on the morning of 2 July 1569, in a country of something over seven million people and perhaps eight hundred thousand square kilometres, who had armed men, how many, paid by whom, and answerable to whom? The answer is that organised violence in the Commonwealth was distributed among at least five separate hands, that no single hand could have overawed the rest, that this was not a design anybody adopted but a condition everybody had inherited, and that four years later the arrangement was written into the coronation oath in the king's own voice.

The levy that was entitled to deliberate

The largest body of armed men in the Commonwealth was the *pospolite ruszenie*, the general levy of the nobility — a personal obligation, discharged on horseback, at

the noble's own cost, in return for the land he held. It was not a militia raised from the population; the population was not permitted to be armed in that way. It was the settlement's consideration, still being paid, in the original medieval form: the man holds the estate and owes the service.

Two documents govern it and they pull in opposite directions. The Privilege of Koszyce of 17 September 1374, which released the knighthood from almost every due to the crown, expressly reserved that if an enemy should invade the Kingdom the nobility must come out with all their strength. Eighty years later, in the war camps at Cerekwica in September 1454 and Nieszawa in November, Casimir IV conceded that he could not summon that levy — nor promulgate new law, nor lay new taxes — without the consent of the local assemblies. Read as a military instrument, that pair of documents defines an army the sovereign owns but cannot start. The obligation to serve is unconditional in the abstract and conditional in every particular case.

What that means in practice was demonstrated in the summer of 1537, and it is the most instructive military episode in the case, because nobody fought. Sigismund I needed money for the defence of the south-east and could not get taxes voted. The Senate's proposal was to call the levy out instead, on the calculation that noblemen dragged from their estates would vote the taxes in order to be allowed home. The summonses went out three times — to Korczyn for 10 May, to Gliniany for 21 June, and finally to a muster under Trembowla for 2 July, at the beginning of the harvest, which was the point. The declared objective was Moldavia. Something like seventy thousand nobles assembled near Lwów, and one contemporary account puts the whole encampment as high as a hundred and fifty thousand, a figure which should be treated as an impression of scale rather than a count.

They did not march. They formed a *rokosz* — an armed association against the king — sat from late August into the second half of September, presented the crown with a long list of demands, and dispersed after the king confirmed their privileges and undertook to observe the laws. The magnates, who had backed the king, named the episode the Chicken War, on the ground that the only casualties were the poultry of the district. No one was punished. Nothing was decided. And a precedent had been set that a sovereign could assemble the entire armed strength of his kingdom and find it deliberating.

The military judgement on the levy is separate from the political one and is equally severe. It gathered slowly, it was cavalry only, it could not besiege, and it could not be kept in the field once the harvest called; against Tatar raiding parties that moved faster than the summonses, and against Muscovite armies that did not go home in September, it was the wrong instrument. Everyone in the Commonwealth knew this by

the middle of the sixteenth century. What they could not agree on was what to replace it with, because every replacement had to be paid for by the men who would then be standing under it.

An army funded by a quarter of an estate

The professional force was older than the Commonwealth and much smaller than the country. From the late fifteenth century the Crown had maintained the *obrona potoczna*, a standing screen of light cavalry on the south-eastern approaches, paid irregularly out of whatever the treasury could find, and perpetually in arrears.

The execution movement of the 1560s, which forced the recovery of royal estates alienated into private hands, made a permanent funding source possible for the first time, and in 1563 Sigismund Augustus established the *kwarta* — a quarter of the income of the royal demesne, the *królewszczyzny*, set aside for the army; the fund was voted at the sejm of 1564, and from 1569 the money was kept in the castle at Rawa Mazowiecka, where it was known as the Rawa treasure. The force it paid for took its name from the tax: the *wojsko kwarciane*, the quarter army.

Its size is the most important single number in this module. In peacetime it stood at something between two and a half and four thousand men, and the authorities differ: one standard account gives about 2,500 cavalry as an average, another 3,500 to 4,000, another a range of 3,000 to 5,000. Take three and a half thousand as a working middle. Set it against a population of seven to eight million and the arithmetic comes out at roughly one standing soldier for every two thousand inhabitants — a professional army the size of a modern brigade, for a state that ran from the Baltic to the edge of the steppe.

Two features of the funding deserve to be set down exactly, because each is more revealing than the total.

The first is that a quarter of the royal estates' income was a quarter of a revenue the crown did not itself collect. The *królewszczyzny* were leased to *starostas*, who were noblemen, for terms that suited them; the crown had no direct sight of the cash flow; and the sums reaching Rawa were consequently late, short, or both. The commanders — the hetmans — regularly paid the soldiers out of their own pockets, which is a habit with consequences, because a soldier paid by his general is his general's soldier. And when nobody paid at all, the unpaid regiments did what everybody else in the Commonwealth did when wronged: they formed a confederation, a lawful armed association, and collected their wages from the country by force. The first such military confederation followed the enlargement and non-payment of the army around 1589 to

1591. The state's own army, when the state failed it, turned the constitution's own instrument against the state.

The second is the schedule of exemptions. From 1569 the *starostwa* of Łuck, Włodzimierz and Krzemieniec in the Volhynian palatinate, and of Bracław and Winnica in the Bracław palatinate, were exempt from paying the *kwarta*. Those are precisely the lands that had been detached from the Grand Duchy in the spring of that year, and precisely the lands most exposed to Tatar raiding. The districts in most need of the army were the districts released from paying for it, and their *starostas* did not agree to contribute even voluntarily until 1590. The terms on which a territory was brought in are visible in what it was excused; and what these territories were excused from was the defence of themselves.

Retinues larger than the army

Nothing in the Polish or Lithuanian settlement had ever deleted the military clause from the noble's tenure, and nothing had ever disarmed him. The consequence is that in this order the men who held the wealth also, personally and lawfully, held soldiers.

The Grand Duchy counted them. The military census of 1528 — repeated in 1565 — sent scribes round the estates to count peasant households, not for taxation but because service was assessed on households: a noble owed one equipped horseman for a stated number of *dymy*, with the ratio given in the sources variously as one in eight, one in sixteen and one in twenty, and the discrepancy reflecting successive adjustments rather than confusion. The purpose was enforcement. Service had ceased to be a route to plunder and career in newly conquered lands and had become an expensive obligation in defence of lands already held, and men were avoiding it; so the state began keeping lists of who reported and who did not.

The lists are a register of private force. Piotr Kiszka, on that census the tenth wealthiest magnate in the Grand Duchy, owed 224 fully equipped cavalrymen — a contingent implying dominions on the order of twenty-odd thousand peasants. Konstanty Ostrogski, grand hetman of Lithuania and among the five wealthiest, held something like a hundred towns and thirteen hundred villages, concentrated around Ostroh in Volhynia. These men were not officers of a state army. They were proprietors whose obligation to the state was expressed as a number of their own horsemen, and whose horsemen existed whether the state summoned them or not.

Watch what that does to a campaign. In August 1581, during the last phase of the Livonian war, the field hetman of Lithuania, Krzysztof Radziwiłł, called the Thunderbolt, rode out of Vitebsk into the Orsha country with about four thousand men — of whom roughly a thousand were his own personal soldiers, joined by a

company belonging to his father, the grand hetman. The Commonwealth's second-ranking commander in the theatre built his striking force around his household troops. The distinction between the state's army and a magnate's following was not clear even to the men holding both commissions.

By the middle of the following century the two quantities had crossed and can be compared directly. In the aftermath of the Cossack rising of 1648 the entire royal army stood at about 5,400 men, while the palatine of Ruthenia, Jeremi Wiśniowiecki, could put as many as twelve thousand into the field from his own estates. That figure belongs to a later part of this study and is given here only to fix the trajectory: a private subject fielding more than twice the force of the state to which he was a subject, without breaking a single law.

A frontier held by a list

The south-east had no defensible line. Beyond the settled palatinates lay the Wild Fields, open to Crimean raiding parties whose business was the taking of people for the Black Sea slave markets, and beyond the Dnieper rapids lived a population that the Commonwealth had not created, could not tax, could not disperse and had not armed: the Cossacks, made out of runaway peasants, unseated townsmen, poor nobles, adventurers and Tatars, organised in their own way, and better at frontier war than anything the Crown could field.

What the Crown did about them is the most diagnostic act in this module. In early June 1572 — the decree is dated 2 June in some reproductions and 5 June in others — Sigismund Augustus directed the grand hetman Jerzy Jazłowiecki to take three hundred of the wealthiest Cossacks into pay and to enter them on a register, under a senior appointed by the government, the first being Jan Badowski. In September 1578 Stephen Báthory raised the register to five or six hundred, depending on the account, at fifteen florins a year, quartered at Trakhtemyriv on the Dnieper, under the *starosta* of Cherkasy and Kaniv, Prince Michał Wiśniowiecki.

Read the instrument for what it does rather than for what it says. It does not raise a force; it selects one out of a force that already exists and writes down the names. A state that recruits a frontier army is buying labour. A state that registers one is buying a subset of an armed population it cannot otherwise control, and thereby manufacturing, in the same stroke, a second category consisting of everybody left off the paper — men who are not thereby disarmed, only unpaid, and who now have a specific and countable grievance with a number attached to it. Every later expansion and contraction of the register would be an act of state with immediate military

consequences, and the arithmetic of who was on the list would run through the next eighty years of the Commonwealth's history.

The plurality written into the coronation oath

Sigismund Augustus died on 7 July 1572, seventeen days short of the third anniversary of the union he had spent his life assembling, and the Commonwealth discovered what it was when there was no king. The courts stopped. Order was kept by confederations of the nobility, organised county by county, running their own emergency tribunals. The machinery of the state, it turned out, could be replaced from below by armed association at a few weeks' notice — which is a fact about force before it is a fact about law.

On 20 May 1573, on the election field at Kamion outside Warsaw, the assembled nobility settled the articles that every subsequent king would swear. The parchment drawn up on the field does not survive; the text of record is the entry made that day in the city books of Warsaw. Fourteen articles concern election, religion, the sejm, war, taxation and the senators who would reside with the king and watch him. The fifteenth, written throughout in the king's own voice, reads:

> *A jeślibyśmy (czego Boże uchowaj) co przeciw prawom, wolnościom, artykułom, kondycjom wykroczyli, abo czego nie wypełnili, tedy obywatele koronne obojga narodu od posłuszeństwa i wiary nam powinnej wolne czynimy.*
>
> *And if we should (which God forbid) transgress in anything against the laws, the liberties, the articles or the conditions, or fail to fulfil any of them, then we make the citizens of the Crown, of both nations, free of the obedience and the faith owed to us.*

The clause was known at the time by its Latin tag, *de non praestanda oboedientia*, and its ancestor is the Mielnik privilege of 1501. Henry of Valois declined to confirm the articles and left the country within months; they became binding law from the coronation of Stephen Báthory in 1576, and were further specified in 1576, 1607 and 1609. The form in which a subject exercised the released obedience was the confederation, and a confederation directed against the king was a *rokosz* — the same word, and the same procedure, as at Lwów in 1537.

It is worth pausing on the grammar. A sovereign who has assembled organised violence into his own hands does not legislate the conditions under which his subjects may lawfully make war on him; he punishes those who do. A written clause specifying when allegiance lapses is not primarily a statement about political theory. It is a report

on the distribution of force, drafted by people who knew the distribution, and its presence in the coronation oath from 1576 means that everyone entering the Polish throne for the next two centuries was informed in writing, before he sat down, that the floor beneath him was not his.

Why every man's ledger came out this way

It would be easy, and it would be wrong, to read all this as a failure of nerve or an eccentricity of national character. Run the arithmetic from each position in turn and the outcome is over-determined, and no one has to have wanted it.

For a magnate, a large standing army answerable to the crown is two bad things at once — a tax on his estates and an instrument that could be turned on him — while his own retinue is a good thing twice over, since it defends the lands that produce his revenue and it is the reason nobody in the Commonwealth can compel him. He is therefore against the army and for the retinue, and he does not have to conspire with anyone to be so, because every other magnate has the same ledger.

For a middling nobleman with one village and a horse, a standing army is a tax he will pay in cash, replacing a service he currently pays in person and can decline to perform; and the same army might one day be quartered on him or used to enforce a judgment against him. He is against it too, and for a different reason, and the two constituencies that agree on nothing else agree on this.

For the king, the levy is free. It costs the treasury nothing to summon, it produces a large number of horsemen, and its unreliability is a cost that falls due only in war. Sigismund I in 1537 was doing exactly what the position offered: using the cheap instrument to extract the money for the expensive one, and discovering that the cheap instrument had opinions.

And for the frontier *starosta*, three hundred Cossacks on a register at fifteen florins a year are worth more than any number of noblemen summoned from four hundred miles away in June and gone by October.

Five positions, five ledgers, one result. Nobody assembled the floor because it was in nobody's interest to assemble it, and the men who would have had to pay for the assembly were the same men it would have been used on.

Reading the floor of force against the framework

The principal finding is that a floor can be plural, and that a plural floor is a different object rather than a defective one. This method has worked, since its first case, with an image borrowed from Weber: a single credible enforcer whose reach across

a territory prices defection too high to choose. The Commonwealth had no such enforcer at any point in its existence. It had the quarter army of some three thousand men; the noble levy of tens of thousands that could refuse to march; the magnate retinues, which by the 1640s could exceed the state's army twice over in a single palatinate; the registered Cossacks and, behind them, the far larger unregistered host; and the fortified royal and private towns with their own militias and, at Gdańsk, their own artillery. Five hands, none able to disarm the others.

The refinement this demands is precise and it is testable. Where the floor is plural, the cost column of the ordinary subject is not thereby emptied — it is filled *locally*, by whichever armed hand is nearest, which in the Commonwealth was almost never the king's. A peasant on an Ostrogski or Radziwiłł estate faced a perfectly credible enforcer within a day's ride, who happened not to be the state. So the case severs two things this method has habitually treated as one: the strength of the state's floor and the fullness of the subject's cost column. They can move in opposite directions, and here they did. That severance is the frame within which the cost column module will have to be written, and it predicts, in advance of the evidence, that the villager's position in this order was worse rather than better for the weakness of the centre.

Second, a written right of resistance should be read as a fact about force rather than a fact about ideas. The clause of 1573 releasing the citizens of both nations from their obedience has been read for four hundred years as a monument of republican doctrine, and it may well be one. But it is first of all a description. An order whose sovereign is required, before coronation, to specify the conditions under which armed resistance to him becomes lawful, is an order in which armed resistance to him was going to be practicable whatever the document said. Look for such clauses where the floor is divided, and expect not to find them where it is not.

Third, a register is the tell of a force the state did not raise. This method already holds that a conqueror who invents a flat charge on a countable object has found no revenue system to capture. The military analogue is visible here in a single decree: where a state's founding instrument on a frontier is a *list of fighters who already exist*, rather than a levy, a garrison, or a recruitment, it has met an armed population it can neither raise nor disperse and has bought a slice of it. Two consequences follow immediately and both are structural. The instrument creates a boundary — on the list or off it — where none existed, and the excluded are not disarmed by their exclusion, only unpaid. And the number on the list becomes, from that moment, a political quantity that a distant sejm can adjust and an armed frontier population will experience as a promise kept or broken.

And one proposition inherited from the previous case in this collection is cleanly refuted, which is worth more than a confirmation. That case yielded the claim that a feudal service commuted to cash, in the same generation in which a salaried officer corps is created out of the same families, is a single transaction — the disarming of a class and its re-employment on the sovereign's terms. Here neither half occurred. The service was never commuted; the noble still owed his own body on a horse in 1569 as in 1374. No salaried officer corps was created out of the same families; the hetmans were magnates commanding their own retainers alongside the state's. The class was neither disarmed nor re-employed, and so the transaction that elsewhere converts a warlord into a landlord never took place on this plain. The proposition survives, but it now has its control case: where the sovereign is not in a position to *offer* the second half of the bargain, the first half is never demanded, and the retinue stays in the courtyard.

A note on sources. Quoted exactly in the original: article fifteen of the Henrician Articles, in the sixteenth-century Polish of the entry made in the Warsaw city books on 20 May 1573, that entry being the text of record since the parchment drawn up on the election field does not survive. The translation is this collaboration's own and is deliberately literal. The reservation of the duty of defence in the Privilege of Koszyce of 17 September 1374 and the terms of the Cerekwica and Nieszawa privileges of September and November 1454 are described from published editions rather than quoted, the Latin not having been verified for this module. Contested or approximate where the record disagrees, and given as ranges rather than resolved: the peacetime strength of the quarter army, variously 2,500, 3,500–4,000 and 3,000–5,000 in the standard accounts, taken here at about three and a half thousand as a working middle; the numbers at Lwów in 1537, where some seventy thousand nobles is the usual figure and the encampment total of a hundred and fifty thousand rests on a single contemporary account and is treated as impressionistic; the date of the Cossack register decree, given as 2 June or 5 June 1572; the size of Báthory's enlarged register in September 1578, given as five hundred or six hundred; the household-to-horseman ratio in the Lithuanian military census of 1528, given in the sources as one in eight, one in sixteen and one in twenty; and the population and area figures for the Commonwealth, carried forward as the ranges established in the opening of this study. The comparison of the royal army of about 5,400 with Jeremi Wiśniowiecki's twelve thousand belongs to 1648–49 and is used here only to fix a trajectory; it will be examined where it belongs. Modern scholarship paraphrased and credited: the recent Polish fiscal-military work on the quarter army in the late 1580s published in *Przegląd Historyczno-Wojskowy* (2021) and its companion study of the army confederation of 1589–91, for the establishment of the force's actual quarterly strengths from treasury

materials; the standard accounts of the Commonwealth's military organisation by Jan Wimmer and by Richard Brzezinski for the strength ranges; and the Ukrainian scholarship on the registered Cossacks summarised in the *Encyclopedia of Ukraine*, for the sequence of the register and the appointments to it. Nothing in this module has been reconstructed from memory, and where a figure could not be verified it is given as a range or omitted.

TWO FROM THE FATHER, TWO FROM THE MOTHER

Module 2 · The Settlement — who got what and by what instrument: an estate whose boundary was not a parcel or a register but the willingness of other members to swear; a service clause nobody ever deleted; forty-seven coats of arms given away at a frontier castle on a condition of confession; a king who in 1518 handed away his own jurisdiction over three-quarters of his subjects; and a survey that measured a duchy into rectangles and turned men who could not produce proof into peasants

What the instruments found

Most settlements in this collection begin with a conqueror facing wealth held in a form he cannot use — as office, as lineage right, as inalienable collective patrimony — and passing a statute that turns the relation into a thing so that the thing can be granted. The Commonwealth's settlement is unusual because in its largest half there was nothing to convert. The Polish knight already owned his land outright.

That is the fact from which everything in this module follows and it should be stated plainly before the instruments are read. Landholding in the Kingdom of Poland was allodial: full property, heritable, alienable, held *by* the noble and not *of* the king. It did not descend from a grant in exchange for stipulated service in the western tenurial manner, and it therefore could not be resumed for failure of service, escheated for want of an heir in the way a fief could, or re-sourced by a new charter. The obligation to appear in the levy was attached to the person and the estate by law, not by contract with a lord; and the law was made by an assembly of the men who owed it.

The Grand Duchy was different, and the difference is the reason its instruments look more like the ones this method usually finds. There the boyar held at the Grand Duke's pleasure, on service, in the ordinary way of a ruler with land and clients. And on the Ruthenian lands beneath both, princes held patrimonies inherited from the Rus' order while peasants worked holdings their families had cleared, unmeasured, unregistered and in practice their own.

So the three fictions this method looks for are all present in the Commonwealth, and they are present in three different regions, three or four decades apart, and the variable that selects between them is legible: the depth and form of what was already standing on the ground.

The marker: a bloodline attested by other bloodlines

Ask the boundary question first, because the answer predicts how the settlement could later be taken apart.

Noble status in Poland and Lithuania was not a parcel. A *gołota* — a nobleman with no land at all — was as noble as a palatine, could vote at the local assembly, could not be arrested without a verdict, and by one estimate stood among a very large landless minority of the estate. Nor was it an office; nor a credential; nor a rank the crown conferred and could therefore withdraw. Ennoblement by the king or the sejm existed and was rare. Adoption into a heraldic clan by an existing member was commoner, and was prohibited outright in 1633.

Nor, and this is the operative fact, was it a name in a register. There was no heraldic authority in the Kingdom or in the Commonwealth — no college of arms, no roll, no office charged with keeping the list. What existed instead was the *herb*: a coat of arms shared by a clan of families who were often not related at all, borne in common, and functioning as a badge of membership in a body that certified itself.

Certification worked by challenge. The procedure was the *nagana szlachectwa*, the reproach of nobility, by which one man accused another in court of not being noble; and the accused answered by producing witnesses on oath. In Greater Poland the number was six — two from his father's family, two from his mother's, and two from his paternal grandmother's. In Lesser Poland six were required, all from the father's line. In the Grand Duchy the Third Lithuanian Statute of 1588 set it, at chapter three, article twenty-two, at two witnesses from each side. The stakes were serious in both directions: a successful accuser took a large share of the loser's property — up to half by one account, with the remainder to the treasury — and by a constitution of 1601 a witness who swore falsely forfeited his own nobility. From 1581 the cases went to the Crown and Lithuanian Tribunals.

Look at what that machine actually is. The estate has no external definition. To be inside it is to be a person whom four or six people already inside are willing to swear for. The consequences follow directly and all three are structural.

It leaks upward, because a man with money can find kinsmen, and a man who moves to a distant palatinate and lives nobly for a generation acquires the neighbours who will swear. Contemporaries said so openly; usurpation of noble status was a standing complaint and a standing joke.

It cannot be policed downward, because there is no list from which a name can be struck. The state cannot audit an estate it never enumerated.

And — the point that matters most for the rest of this study — **it cannot be abolished by any rule about property**, because it is not attached to property. A

statute redistributing land, a cadastre, a conveyancing reform, a confiscation: none of these touches a marker that consists of other men's oaths. The only way to attack such a boundary is to substitute documents for oaths, and only a power standing outside the estate has any reason to do that.

Which is precisely what happened, and the confirmation is worth recording even though it lies far outside this module's dates. After the partitions, each of the three annexing states required the szlachta of its new provinces to prove noble status by documentary pedigree — the *wywody szlachectwa* — before the Russian Heraldry Office, the Galician gubernium in Austria, or the Prussian authorities. A body accustomed to proving itself by neighbours could not produce papers, and the resulting proceedings were flooded with forgeries, invented descents and appropriated surnames. A marker that had been unfalsifiable for four hundred years became, in one administrative generation, unprovable.

The consideration, and the clause nobody deleted

What did the estate owe in exchange? The answer is startlingly short, and it has been on the page since the Landscape: two *grosze* a year from every settled *łan*, and personal service in the levy when the country was invaded. That was the whole of it. There was no tax on noble land beyond the token, no rent, no relief, no obligation to a lord, and no service the crown could specify.

The service clause is the important half, and its survival is the module's second finding. This method has repeatedly found that the durable form of buying an elite is the grant that purchases *political compliance*, because the compliant man holds a title a court can take away, while the grant that purchases *armed service* leaves a rival standing in his own courtyard with his own men. The Commonwealth is the pure instance of the second form, carried unaltered from the fourteenth century into the eighteenth. Nobody ever offered the szlachta the exchange — salary and office for retinue and independence — that elsewhere converted a warlord into a landlord, because no Polish king was ever in a position to offer it. And so the defect stayed in the instrument, and it came due on schedule: at Lwów in 1537 the assembled service of the kingdom deliberated instead of marching, and from 1573 the right of armed association against the king was written into the coronation oath.

There is a further consequence and it explains something usually attributed to national character. A crown that cannot bind its nobility by re-sourcing their title has to pay them in something else. Land the szlachta already owned; office was limited in number and mostly in magnate hands; money the treasury did not have. What was left was *law* — jurisdiction over their own subjects, immunity from arrest, consent to

taxation, consent to war. These are the cheapest things a king can give at the moment he gives them and the most expensive afterwards, because unlike an estate they cannot be repossessed. The Polish kings paid in constitutional rules not because they were weak-minded or because Poles loved liberty, but because the ordinary currency of elite management was not available to them.

Forty-seven coats of arms, and the clause about confession

On 2 October 1413, at a small castle on the Bug at the seam between the two realms, the union was renewed and something was done that had no precedent: forty-seven Polish noblemen conferred their coats of arms on forty-seven Lithuanian noblemen, who were thereby taken into the Polish heraldic clans.

The list is worth quoting from, because it is a list of a settlement being extended by name. Zbigniew of Brzezina, marshal of the Crown, gave *Zadora* to Jaunius Valimantaitis, palatine of Trakai. Krystyn of Ostrów, castellan of Kraków, gave *Rawa* to Mykolas Minigaila, castellan of Vilnius. Andrzej Jastrzębiec, bishop of Kraków, gave the Hawk to Jonas Nemira of Polotsk. Mikołaj Trąba, archbishop of Gniezno, gave *Trąby*, the three horns, to Kristinas Astikas — whose descendants were the Radziwiłłs, and who bore those horns for the next four centuries. Jakub of Rogoźno gave *Habdank* to Jonas Goštautas.

Two things about the instrument, and each is diagnostic.

The first is its form. This is co-optation performed by manufactured kinship — the recipients were not granted anything material, they were *adopted*, taken into a lineage they did not belong to, and given a badge that made them indistinguishable at law from men whose families had held it for two centuries. What they received with it was the Polish schedule of privileges and, crucially, hereditary possession of the lands they had until then held at the Grand Duke's pleasure. That is a grant dressed as a confirmation, which is the most stable form the instrument takes, because a man who does not think he was given something does not think he can be deprived of it.

The second is the condition. Only Catholics were adopted, and only Catholics were admitted to the highest offices of the Grand Duchy. The Orthodox nobility of the Ruthenian lands — which is to say the large majority of the Grand Duchy's noble population — was outside the instrument. That line is not an inference from later events; it is in the document, and it was enforced. When Sigismund the Old made the Orthodox prince Konstanty Ostrogski palatine of Trakai after his victory at Orsha in 1514, the Catholic Lithuanian lords protested by citing Horodło.

The line was worn down over a century and a half by exactly the pressures the framework expects. In 1434 Sigismund Kęstutaitis, fighting a civil war against a rival

backed by the Orthodox east, extended equality of noble rights to Orthodox nobles in order to detach them — a concession bought under arms, which is where such concessions usually come from. Full political rights, and the repeal of the Horodło clauses reserving the highest offices and the arms to Catholics, came only with the Privilege of Vilnius of 7 June 1563. It is worth noting who signed it: apart from the ruler and the Catholic bishops, the signatories were almost entirely Protestants and Orthodox. The confessional monopoly in the settlement was broken not by the excluded alone but by a third party — the Catholic nobles who had converted to Calvinism and now found themselves on the wrong side of a clause their grandfathers had written.

That repeal is dated six years before the Union of Lublin, and it is one reason the Ruthenian nobility of Volhynia and Kyiv accepted transfer to the Crown in 1569 with rather less resistance than the Lithuanian magnates did.

The survey that made peasants of noblemen

The purest instrument in the case is not Polish and is not about the nobility's rights at all. It is the *Volok* reform, made law on 1 April 1557 by Sigismund Augustus in the Grand Duchy, extending a reorganisation his mother Bona Sforza had begun on her own estates in the early 1550s and continuing in the western duchy into the 1580s.

Its provisions read like an engineering specification. The Grand Duke was declared owner of all the peasants and of their land, extinguishing what remained of peasant allodial title. Every holding was to be measured, graded for quality and entered in a cadastre. Parcels belonging to a noble that intruded into the surveyed block were to be moved elsewhere so that each man's ground formed a single unified tract. Land near the manor was assigned to the *folwark*, the demesne farm; and the regulation stated the ratio, that each *volok* of demesne should be supported by seven peasant *voloks*. The peasant land was divided into three equal fields for a strict three-course rotation, and each household received one *volok* — reckoned at roughly 21.4 hectares in Lithuania, varying with soil quality — laid out as a parcel in each of the three fields. Houses were moved so that villages ran in a line along a single road. By the late 1560s something like 1.7 million hectares had been measured and distributed in Lithuania proper, Samogitia, the western Ruthenian lands and Podlasie. The revenue quadrupled, from about twenty thousand to about eighty-two thousand *kopas* of Lithuanian groschen a year.

This is the third fiction in its textbook form: a collective and irregular holding declared partible into standard measured shares. And it is being run not by a foreign conqueror but by the state on its own subjects, for revenue, with a ruler and a queen

mother as the principal improvers. The village that had farmed inherited strips by ancestral custom was, within a season of the surveyor's arrival, a set of rectangles with a schedule of dues attached to each.

One clause of the reform belongs beside the discussion of the marker above, because it is the exception that proves the rule. Nobles in the surveyed districts who could not prove their noble status or their ownership had their land confiscated and their standing reduced to that of peasants. Here, for once and in one duchy, the boundary of the estate was tested against a document rather than against neighbours — and men fell through it. It is the only place in this study before the partitions where the settlement contracted, and it required a survey to do it.

Vacancy in the south-east

The last fiction is the one the framework expects a conqueror to reach for when he wants ground and can plausibly call it empty, and after 1569 it ran across the Kyiv and Bracław palatinates that the king had detached from the Grand Duchy that spring.

Charters were issued to the "empty" lands of the south-east. Fortunes were assembled by petition to the king or the sejm, by purchase at nominal prices and by simple seizure, and out of them grew the quasi-sovereign latifundia of the Wiśniowiecki on the left bank of the Dnieper and, on the right, of the Potocki, Koniecpolski, Kalinowski, Zamoyski, Sieniawski, Zbaraski and Tyszkiewicz, alongside the older Ruthenian princely holdings of the Ostrogski, Zasławski, Czartoryski and Zbaraski houses that had never been anyone's to grant.

The land was not empty, and the proof that it was not empty is in the terms offered to fill it. Settlers were drawn in by *slobody* — freedoms — exemptions from dues and from servile obligations for twenty or thirty years. You do not advertise for tenants on ground that already has none; you advertise because you are bidding against every other magnate on the same frontier, and against the Cossack alternative beyond the rapids, for the same scarce bodies. It is Gediminas's prospectus of 1323 run again on the same principle two hundred and fifty years later, with the difference that the advertiser is now a private subject rather than a ruler.

And the terms had an expiry date, which is the fact to hold. A twenty-year freedom granted in the 1590s falls due in the 1610s. The man who arrived as a free settler on the promise of two decades exempt finds, at the end of them, that he is a subject of a private jurisdiction with a labour obligation and no court above his lord. The grievance is not a mood; it has a schedule, and the schedule was written into the founding charter of every new village on the steppe frontier.

The excluded, clause by clause

The other half of a settlement is who is shut out, and in the Commonwealth the exclusions were legislated in a tight sequence by kings who each needed something.

On 26 April 1496 at Piotrków, John I Albert — wanting support for a war — conceded that townsmen might not own land outside the towns, that the high offices of the Church were reserved to nobles, that nobles were relieved of duties on goods of their own production exported and on goods imported for their own use, and that a peasant's mobility was cut to one man leaving a village in a year and one member of a family moving to a town. Historians differ over whether to date the beginning of Polish serfdom to this statute, and several do.

In 1518 at Toruń, Sigismund the Old renounced the crown's right to hear disputes between lords, secular and ecclesiastical, and their subjects. This is the single most consequential clause in the module. It does not create serfdom; it removes the appeal. From that year the peasant on a private estate had no court above his lord, and the state, in the phrase of one Polish historian of the subject, withdrew almost entirely beyond the horizon of his experience.

In 1520, in the constitutions of Toruń and Bydgoszcz passed during the war with the Teutonic Order, the same king fixed a minimum labour obligation of one day a week from each *łan*, granted the nobility free navigation on the Vistula, and restricted the competence of town courts where the accused was a noble. Labour, transport and immunity, in a single session, in exchange for a war.

In 1532 at Piotrków a peasant was forbidden to leave his village without his lord's consent at all. In 1538 the king undertook not to remove noblemen from office.

Set the dates in a row — 1496, 1518, 1520, 1532, 1538 — and the settlement's second half is complete within forty-two years, in the same decades in which the grain price at Gdańsk was rising and the demesne farm was spreading. Neither fact explains the other by itself, and this study will not assert that it does; the labour regime and the political order have to be dated separately before either is blamed for the other, and that reckoning belongs where the extraction is counted.

One exception survives 1518 and it will matter enormously. Peasants on the royal demesne, the *królewszczyzny*, retained access to the referendary court, in which they could complain against the *starosta* who leased the estate. Two rural populations therefore existed in one country under one crown: one with a court above its immediate lord and one without. That is a controlled comparison inside a single case, and it is the sharpest instrument this study will have for testing what a second claimant on a body is worth to the body.

The coalition and its glue

What the instruments produced was not a coalition in the ordinary sense of a few families holding three monopolies between them. It was an *estate*, on the order of half a million people at the union and rising, somewhere between six and ten per cent of the population by the counts usually given, legally equal among themselves since the Statute of Warta declared the equality of all nobles in 1423, and stratified in fact between a magnate with a hundred towns and a man with a sword, a horse and no land.

The glue was that legal equality, and it held precisely because it was materially false. The *gołota* owned nothing except his membership; his vote at the local assembly and his immunity from arrest were his entire estate. He therefore had more reason to defend the settlement than the magnate did, and less capacity to defend anything else — which made him both the settlement's most reliable constituency and the cheapest client a magnate could buy. That combination is the mechanism by which an order of half a million equals became, over a century, an order run by two dozen families, and it will be the centre of the module on coordination.

Run the default question down the chain as it stood in 1569. If the arrangement dissolved tomorrow, the magnate is worse off and the middling nobleman is worse off. The landless nobleman is ruined, since he holds nothing else. The burgher is better off, having been shut out of land, office and the export trade by statute. The peasant on a private estate is better off, having no court to lose. The peasant on royal land has something to lose and knows it. The Jewish community's answer is genuinely ambiguous, because its charter protections ran through the ruler and, increasingly, through the lord whose estate it managed, so that the arrangement was simultaneously its shelter and its exposure. That distribution of answers — overwhelming defence at the top and in the numerous middle, indifference or hostility everywhere else — is the real constitution of the Commonwealth, and no cabal was required to enforce it.

Reading the settlement against the framework

The principal contribution is about what a crown can pay with. This method has held that the settlement instrument's characteristic act is *conversion* — a relation between persons made into a transferable thing, so that the thing can be granted and the grantee's title thereby re-sourced to the grantor. The Commonwealth shows the case where that move is unavailable, and the consequence is systematic. Where the elite's wealth is already allodial property held independently of the crown, there is nothing to convert and nothing to re-source; the ruler cannot bind by confirming,

because the holder does not think his title comes from him. What the ruler still possesses, and can therefore spend, is *jurisdiction, immunity and consent* — and these differ from land in one respect that decides everything afterwards: they cannot be taken back. A grant of an estate can be resumed by a court; a grant of the rule that the king shall not judge disputes between a lord and his subjects cannot be. So the prediction, offered for the other cases in this collection to test, is that **the currency in which an elite is bought is set by what the ruler owns that the elite does not, and where that is nothing material, he will pay in law, and payments in law ratchet.** The Polish kings' apparent extravagance with constitutional concessions was not a character trait of a dynasty or a nation. It was the only tender they had.

Second, and refining the standing proposition about markers. This collection has held that a settlement's inside/outside marker may be a *thing* rather than a person, which makes it cheap to defend by a conveyancing rule and cheap to destroy by a rule about the same thing. The szlachta's marker was neither. It was a *performance by other members* — four or six oaths in a court — and that is a third type with its own properties: it leaks upward, cannot be policed downward for want of any list, and is immune to every instrument that operates on property. It can only be attacked by substituting documents for oaths, which requires an authority standing outside the estate and interested in shrinking it. That authority did not exist inside the Commonwealth and did exist after 1795, and the record of what happened in the verification proceedings is the confirmation. The refinement to carry forward is this: **ask not only what the marker is but who is able to audit it, because a marker no one can audit is a settlement no domestic reform can reach.**

Third, the three fictions ran simultaneously in one state, sorted by region, and the sorting variable is legible. The Field Manual already suspects that where an order runs more than one settlement fiction, the variable selecting between them is the depth of the naturalised order beneath. Here the evidence is unusually clean, because the three are separated by regions and by decades within a single polity. *Recognition* was used where there was a functioning elite worth binding and holding land at the ruler's pleasure — the Catholic boyars of 1413, granted hereditary possession of what they already occupied. *Divisibility* was used where a dense peasant population sat on unmeasured customary holdings that produced no legible revenue — the Volok survey of 1557. *Vacancy* was used where the population was thin, mobile and could be bid for — the south-eastern palatinates after 1569. One state, three fictions, and in each case the fiction chosen was the one that fitted what was already standing there.

And the standing proposition about the consideration is confirmed at full strength, in the form the collection has not yet had. A grant purchasing armed

service leaves a rival with a retinue. The Commonwealth never deleted the service clause and never offered the exchange that would have justified deleting it, and the retinue was still in the courtyard in 1648. This is not a discovery — it is the medieval failure mode running to term, in a state that entered the seventeenth century with it intact.

A note on sources. This module quotes no primary text in the original, and the omission is deliberate rather than an oversight: the load-bearing instruments here — the Piotrków statutes of 1496, the Toruń renunciation of 1518, the Toruń and Bydgoszcz constitutions of 1520, the Piotrków statute of 1532, the Volok law of 1 April 1557, the Vilnius privilege of 7 June 1563 — survive in Latin and in sixteenth-century Polish in the *Volumina Legum* and the Lithuanian *Metrica*, and their wording could not be verified against a reproduction of the primary text within this module's research. Their provisions are therefore described from published editions and scholarly accounts rather than quoted, and nothing has been reconstructed from memory. Recovering the exact drafting of the 1518 renunciation and of the 1557 volok law is the first task for any revision of this module, because in both cases the framework's method — read the clause, not the summary — cannot be applied to a paraphrase. Contested or approximate, and given as ranges: the size of the noble estate, put at roughly half a million and at six to ten per cent of the population by different counts; the share of the *volok* at about 21.4 hectares in Lithuania against about 18 in Poland, and varying by soil grade; the number of witnesses in a test of nobility, which differed between Greater Poland, Lesser Poland and the Grand Duchy and is given here in all three forms; the share of a loser's property taken by a successful accuser, given by one authority as up to half with the remainder to the treasury; and the areas and revenues of the Volok reform, given as about 1.7 million hectares surveyed by the late 1560s and a rise from roughly twenty to eighty-two thousand *kopas* of Lithuanian groschen. Where historians disagree — notably on whether the Piotrków statute of 1496 marks the beginning of serfdom in Poland, and on how far any of these statutes was enforced against a peasantry with a documented capacity for evasion — the disagreement is recorded rather than resolved. Modern scholarship paraphrased and credited: the Lithuanian institutional history published through the Orbis Lituaniae project, for the Horodło adoptions by name and for the character of agriculture before and after the volok survey; R. A. French's study of the three-field system in sixteenth-century Lithuania, for the mechanics of the reform; the standard accounts of the noble privileges by Bardach and by Bideleux and Jeffries; the heraldic literature summarised for the *nagana* procedure; and the *Encyclopedia of Ukraine* for the south-eastern latifundia and the terms of the *sloboda* settlements. The post-partition verification

proceedings are used here only as confirmation of a mechanism and belong, properly, to the end of this study.

ACCORDING TO HIS OWN JUDGEMENT

Module 3 · The Robe — the most famous toleration in early modern Europe read for its reservation clause rather than its promise; a peace sworn between armed men five months after St Bartholomew's Day; a doctrine of Sarmatian descent minted by an estate for itself; and the finding that this order cut an elaborate robe upward for the men who held the swords and never cut one downward at all, because a previous conquest had already done that work

The five months before

Sigismund Augustus died on 7 July 1572 without an heir, and the Commonwealth discovered that with no king there were no royal courts, no chancery, and no authority that could summon anybody. Order was kept by confederations of the nobility, formed county by county, sitting their own emergency tribunals.

Six weeks later, on the night of 23 to 24 August, the killing of Protestants began in Paris and spread through the French provinces over the following weeks. And the candidate who would emerge as the front-runner for the vacant Polish throne was Henry of Valois, brother of the king in whose name it had been done.

That is the position from which the Warsaw Confederation was drafted, and it explains the document better than any account of the Polish temper. In the hall at Warsaw sat an estate that was armed, that had just demonstrated it could replace the state from below at a few weeks' notice, and that was split along every confessional line then available in Europe: Catholics; Lutherans in the towns of Royal Prussia; Calvinists across Lesser Poland and, in the person of the Radziwiłłs, across much of Lithuania; Bohemian Brethren in Greater Poland; Antitrinitarians of the Minor Church; and, over the whole eastern half of the country, an Orthodox nobility that had been granted full political equality only nine years earlier. Every one of those groups could lawfully form an armed association. None of them could destroy the others. And they were about to elect a king.

What the confederation says

The act was passed at the convocation sejm at Warsaw on 28 January 1573. Its central passage runs:

> *A iż w Rzeczypospolitej naszej jest dissidium niemałe in causa religionis christianae, zabiegając temu, aby się z tej przyczyny miedzy ludźmi sedycja jaka szkodliwa nie wszczęła, którą po inszych królestwach jaśnie widziemy, obiecujemy to spólnie, pro nobis et successoribus nostris in perpetuum, sub vinculo iuramenti, fide, honore et conscientiis nostris, iż którzy jestechmy dissidentes de religione, pokój miedzy sobą zachować, a dla różnej wiary i odmiany w Kościelech krwie nie przelewać, ani się penować confiscatione bonorum, poczciwością, carceribus et exilio, i zwierzchności żadnej ani urzędowi do takowego progressu żadnym sposobem nie pomagać.*
>
> *And whereas in our Commonwealth there is no small division in the matter of the Christian religion, and taking care lest for that reason some harmful sedition should break out among people, such as we plainly see in other kingdoms, we promise this jointly, for ourselves and our successors in perpetuity, under the bond of an oath, upon our faith, our honour and our consciences, that we who are of differing religion shall keep the peace among ourselves, and shall not for difference of faith or change in the churches shed blood, nor punish one another by confiscation of goods, by attaint of honour, by imprisonment or by exile, and shall in no way assist any authority or office towards any such proceeding.*

Notice the grammar before the content. *Obiecujemy to spólnie* — we promise this jointly. This is not a grant issued by an authority to subjects; there was no authority to issue it. It is a mutual undertaking among the parties who swore it, in the form of a treaty, and its last item is the operative one: the signatories bind themselves not to *assist any authority or office* toward persecution. They are not asking the state to refrain. They are agreeing among themselves to deny the state the hands it would need.

That is a perfectly intelligible thing for a body of armed men to promise one another during an interregnum, and it is a considerably more solid guarantee than a royal pledge would have been, because it is enforced by the same fact that made it necessary.

The clause at the end

Then comes the reservation, and it is the sentence this module exists to read:

Wszakże przez tę konfederacyją naszę zwierzchności żadnej nad poddanymi ich, tak panów duchownych, jako i świeckich, nie derogujemy i posłuszeństwa żadnego poddanych przeciwko panom ich nie psujemy. I owszem, jeśliby takowa licencyja gdzie była sub praetextu religionis, tedy jako zawsze było, będzie wolno i teraz każdemu panu poddanego swego nieposłusznego tam in spiritualibus, quam in saecularibus podług rozumienia swego skarać.

However, by this our confederation we do not derogate from any authority over their subjects, of lords spiritual as well as temporal, nor do we impair any obedience of subjects towards their lords. On the contrary, if any such licence should anywhere arise under pretext of religion, then, as it always was, it shall be free now also for every lord to punish his disobedient subject, in spiritual matters as much as in secular, according to his own judgement.

Three things are done in that sentence and each is exact.

The peace is bounded. It runs among the swearers — and, since the crown towns were named among the parties establishing it, among the burghers of royal towns as well — and it does not run to the peasantry or to the inhabitants of private towns.

The lord's authority is not merely left alone; it is affirmed, and it is affirmed *in spiritualibus*. The document that forbids the state to punish a man for his faith states in the same breath that a lord may punish his subject in spiritual matters.

And the standard is named: *podług rozumienia swego*, according to his own understanding. Not according to law, not according to any rule the confederation supplies, not subject to any appeal — and the appeal, on private estates, had been abolished by the same estate fifty-five years earlier.

One caution is owed here, and recent Polish scholarship insists on it. That the confederation did not extend to peasants and to private towns does not mean that a German-style *cuius regio, eius religio* was in fact applied across the countryside. Many lords were indifferent; Orthodox villages in the east went on undisturbed for generations; a Calvinist proprietor with a Catholic tenantry had every practical reason to leave it alone, and often did. The clause is a licence, not a programme, and what was done under it varied enormously. But a licence is what it is, and the framework's instruction is to read the drafting rather than the preamble. Maciej Ptaszyński's recent reappraisal in *Kwartalnik Historyczny*, published under the title of the *intolerant* Warsaw Confederation, argues against the standard reading of the act as exceptionally tolerant, and the reservation clause is why.

What it purchased, and what a king had to swear

The immediate purchase was an election that would not become a war of religion, and a document a king could be required to accept before he was allowed to reign.

The requiring is the famous part and it has to be handled carefully, because the famous part is probably a legend. The line *si non iurabis, non regnabis* — if you will not swear, you shall not reign — is universally attached to the moment when Henry of Valois hesitated over the confederation. Polish scholarship holds that the phrase is a later composition welding together two separate episodes: a demand made to the king-elect at Paris in September 1573, attributed to Jan Zborowski, and a confrontation at the coronation in Wawel Cathedral on 21 February 1574, when the Calvinist Crown Grand Marshal Jan Firlej demanded the oath in the form agreed at Paris and the castellan of Kraków threatened to leave the cathedral taking the crown, which was in his keeping, with him. Henry swore, after a delay, in a shortened form. The line is therefore not quoted here as anybody's words; the episodes are given as they are recorded and the attribution is left contested.

What is not contested is the transaction the line describes, and the transaction is the point. A king who would not swear did not reign. The confederation was written into the articles every subsequent king accepted at his coronation from 1576 onward, and it was invoked against Sigismund III by the rebels of 1606 as constitutional doctrine. Whoever first said it, the sentence is an accurate summary of the arrangement.

Three robes, three audiences

The legitimating story of this order is usually discussed as though there were one. There were at least three, addressed to three audiences, and they are separable.

To the estate itself. The doctrine that the Commonwealth *was* the szlachta — that liberty was the constitution rather than a concession within it, that the king was an elected officer bound by contract, that nothing could be established without the common consent — was elaborated across two centuries by the men it flattered, and by the late sixteenth century it had acquired an origin myth to match. Jan Długosz in the fifteenth century had connected the country's antiquity with the Sarmatians of the classical geographers; Maciej of Miechów's *Tractatus de duabus Sarmatiis* of 1517 carried the identification into print and into Europe; Marcin Bielski, Marcin Kromer, Maciej Stryjkowski and Stanisław Sarnicki developed and spread it. By the seventeenth century the szlachta of the Commonwealth understood itself as descended from a warlike Iranian people of the steppe, free by inheritance, and marked out by a costume

— the *kontusz*, the sabre, the shaven head, the moustache — that announced the descent to anybody who looked.

Two honesties are owed about that doctrine. Długosz's version claimed the Sarmatian descent for Poles and Ruthenians together, and Sarmatism accordingly worked, for most of its life, as an *integrating* creed across the several nobilities of a multi-ethnic state: it is a large part of the answer to how a Ruthenian prince from Volhynia, a Lithuanian magnate and a Mazovian smallholder with one field came to think of themselves as one people. Its harder use — as a claim that the ruling estate was a different stock from the peasantry it ruled — belongs to the seventeenth century and is genuinely contested among historians, and this study does not assert it as the doctrine's original or only function.

But the structural fact stands whichever way that argument settles. Here is a legitimating story minted rather than borrowed, running on manufactured ancestry, elaborated in printed chronicles, taught in schools that noble families paid for, worn on the body — and cut, from beginning to end, for the audience that held the swords. Which is exactly where such robes are cut, because the issuer controls the formation of the audience that must honour it. The szlachta formed its own children.

To Rome and to Europe. The second robe was *antemurale christianitatis*, the bulwark of Christendom — the Commonwealth as the shield standing between Latin Europe and the Tatar and the Turk. That claim was addressed to a foreign audience whose recognition had real value: papal subsidies, Habsburg alliances, a standing in the councils of Catholic Europe that a state with almost no army badly needed. It is the ordinary case of legitimacy borrowed in the currency of the audience that must honour it, and it should be read as a diplomatic instrument rather than as an account of the frontier, which was in practice held by three hundred registered Cossacks and a few thousand horsemen paid out of a quarter of the royal estates.

To the ruled. Nothing. And this is the module's central finding, so it is worth stating without decoration.

The Commonwealth mounted no campaign to persuade its peasantry of anything. There was no new catechism written for the villager, no festival cycle installed to rehearse the settlement, no doctrine of obedience minted and driven downward, no programme of schools. The peasant in Mazovia kept the Latin parish his ancestors had been given after 966; the peasant in Volhynia kept the Orthodox parish his ancestors had been given after 988. Each of those was a former conquest's robe that had fully taken, running on its own clergy, its own calendar and its own funding, and each was doing, for free, exactly the work an order needs done at the base: telling a person what his place is and whom to believe without checking.

That is not neglect and it is not an oversight. It is the correct calculation from the position. Why would an estate spend money installing a belief in eight million people when a belief that suits it well enough is already installed and somebody else is paying the clergy?

Capturing the certification of the interpreters

There was one population whose interpreters the order could not leave alone, and what it did about them is the sharpest instrument in this module.

The Orthodox of the eastern lands were, by the 1590s, several millions strong, answerable in the last resort to a patriarch at Constantinople under Ottoman rule, and — since 1589 — increasingly liable to look instead toward the new patriarchate at Moscow, which was a foreign power with a claim to all the lands of Rus'. No conversion of that population was conceivable and none was attempted. What was attempted instead was a transfer of the licence.

The terms were assembled over 1594 and 1595. Metropolitan Michael Rahoza sent a delegation to Rome; Clement VIII received it in December 1595 and issued *Magnus Dominus et laudabilis nimis*; Sigismund III proclaimed on 2 August 1595 that the Ruthenian and Latin churches would enjoy equal rights and privileges. The bargain offered to the bishops preserved everything a parishioner would notice — the Byzantine liturgy, the Julian calendar, the married lower clergy, the customs — and changed the one thing he would not: the authority to which the bishops answered. The bishops were also to be raised to the standing of Latin bishops, with seats in the Senate. When the synod met at Brest in October 1596 it split in two, and the two halves anathematised each other.

Then comes the clause that proves the mechanism. On 5 December 1596 the king issued an edict requiring all Ruthenians to recognise only those bishops who had subscribed to the union, to obey them, and to refrain from electing or supporting any alternative hierarchy — violators liable to prosecution for high treason, with confiscation and worse. Gideon Balaban of Lviv and Michael Kopystenski of Przemyśl, who had refused, were deposed and excommunicated; their dioceses remained outside the union for a century, Przemyśl until 1691 and Lviv until 1700.

Read what changed and what did not. No article of belief was altered for anybody in a village. The liturgy stayed, the calendar stayed, the priest stayed married. What the instrument moved was *who might lawfully be recognised, appointed and obeyed* — and it was enforced not by any doctrinal test but by a royal order about hierarchy, backed by treason charges. Where an apex cannot convert a population it captures the

certification of its interpreters, and the diagnostic is a law about appointments rather than a change in any creed. It is difficult to imagine a cleaner instance.

The sequel is equally instructive. The Senate seats were promised and not delivered. The capture did not carry the congregation: the urban brotherhoods, most of the monasteries, and the greatest Orthodox layman in the country, Prince Konstanty Wasyl Ostrogski, refused it. In 1620 the Patriarch of Jerusalem, passing through, secretly consecrated a parallel Orthodox hierarchy, which the state declined to recognise until 1632. In 1623 the Uniate archbishop of Polotsk, Josaphat Kuncevyč, was killed by a crowd at Vitebsk. And on the southern frontier an armed Orthodox population that already had a grievance about a register now had one about its priests as well.

The position of trusted interpreter cannot be abolished; it can only be occupied, crowded, or captured, and a capture that the congregation refuses to honour does not empty the position — it vacates it, and the vacancy refills, in this case within a generation and outside the law.

The decay, dated

A toleration that decays is more informative than one that holds, and this one decayed on a schedule that can be laid out.

In 1638, after students at Raków were accused of profaning a cross, the sejm ordered the Antitrinitarian academy there closed, the printing press and the church destroyed, the inhabitants removed and the professors banished on pain of death. The academy had been founded in 1602 and had taught something over a thousand students.

On 20 July 1658, three years into the Swedish invasion that Polish memory calls the Deluge and in which every non-Catholic community was suspected of collaboration, the sejm ordered the Polish Brethren to sell their property and leave the country, on pain of death, within three years. Several hundred families — an estimate of about five thousand people — went in 1660; the community's total size is variously put much higher. They were among the best-educated people in the country, and they carried their arguments to the Netherlands, England and Prussia, where those arguments were read.

In 1668 renunciation of Catholicism was made punishable by banishment. In 1717, at the Silent Sejm — a session of a few hours held under the guns of eighteen thousand Russian troops, at which nobody but the marshal was permitted to speak, lest a single deputy break it up — the first statutory restrictions were passed on Protestants holding national office. In July 1724, after a brawl between Jesuit pupils and Lutheran townsmen at a procession in Toruń, a royal court in Warsaw condemned the mayor,

Johann Gottfried Rösner, and nine other leading Protestant citizens; they were executed, and the last Protestant church in the town was handed to the Franciscans. In 1733 dissidents were excluded from the sejm and from office altogether.

The last item on that list requires a note that this study will have to take up properly later. Having excluded the dissidents, the Commonwealth handed Russia and Prussia a standing pretext, and both used it: within a generation the protection of the excluded was the stated ground of foreign armies operating on Polish soil. The bill is not yet due in this module. The instrument is.

What kind of decay this was

The temptation is to read the sequence as a nation's conscience curdling, and the framework refuses it, because the thing that decayed was not a conscience.

What the Warsaw Confederation created was a truce among the armed, whose only enforcement was the standing capacity of each party to hurt the others. It contained no procedure. Attempts to legislate one failed. The promise that nobody would assist an authority toward persecution was worth exactly what the promisers' collective ability to refuse was worth.

Across the seventeenth century that ability drained away, and not by anybody's persecution. The Protestant share of the szlachta contracted through ordinary means: sons educated in Jesuit colleges because they were the best schools available; conversions in the generation that discovered that offices went to Catholics; marriages; the pull of a court. By the 1650s the Calvinist and Lutheran nobility was no longer a bloc that could confederate, and from the moment it was not, the reservation cost nothing to break — because there was nobody left who could make breaking it expensive.

So the correct statement is not that the Commonwealth became intolerant. It is that its toleration was a function of a distribution of force among the men who had swords, that the distribution changed, and that the document changed with it because the document had never been anything else. That reading takes nothing away from what the confederation did for eighty years, which was real, and which no other large European state managed. It only locates the thing that was holding it up.

Reading the robe against the framework

The principal contribution is that an order can run a manufactured robe upward and an inherited robe downward at the same time, and will not notice it is doing two different things. This collection already holds that legitimacy can be

minted rather than borrowed exactly where the issuer controls the formation of the audience that must honour it — which is why manufactured robes are cut for coordinating classes and almost never for the ruled. The Commonwealth confirms that at full strength and supplies the missing half of the rule. Where the ruled already carry a *former conquest's* robe that fully took — a parish, a calendar, a clergy, an account of a person's place — the order does not need to cut one for them, will not pay to, and will not think of it as an omission. The szlachta produced, for itself, an ethnogenesis, a costume, a constitutional theology and two centuries of printed argument. For eight million subjects it produced nothing, and nothing was required, because Mieszko's baptism and Volodymyr's were still working.

The corollary is worth stating as a research instruction, because it is checkable in the other cases: **where a conqueror leaves the incumbent creed intact and spends nothing on the base, do not record an absence of managed belief — record an inherited one, and go and find out who is paying its clergy.**

Second, read a toleration for its reservation clause, and read the reservation for whose discretion it names. The method already says to read the drafting for the clause that decides which version is real. Here the words are *podług rozumienia swego* — according to his own judgement. A liberty that specifies a standard is a rule; a liberty that specifies a discretion is a delegation. The Warsaw Confederation denied to the state a power it simultaneously confirmed in tens of thousands of private hands, over the great majority of the population, in spiritual matters as well as secular, subject to no appeal — the appeal having been given away by the same estate in 1518. The general form, offered for the other cases to test: **a liberty clause that removes a power from the centre without abolishing it has moved the power rather than destroyed it, and the module's task is to find where it landed.**

Third, the proposition about captured interpreters is confirmed in an unusually clean form, and can be sharpened. The apex could not convert the Ruthenian population and did not try; it bought the hierarchy instead, and the diagnostic instrument is a royal edict of 5 December 1596 about who might lawfully be recognised and obeyed, which alters not one article of belief. The sharpening the case allows is this: **a captured certification is only as good as the congregation's willingness to follow the licensed man, and where the congregation refuses, the position does not stay empty — it refills from below, outside the law, within a generation.** Here it refilled in 1620 by a secret consecration, was legalised by the state twelve years later, and left the order facing two hierarchies where it had begun with one, plus an armed frontier population with a new grievance. A capture that does not carry the base is not a cheap solution. It is a division bought at the price of a unity.

A note on sources. Quoted exactly in the original: the central passage and the closing reservation of the General Confederation of Warsaw of 28 January 1573, in the sixteenth-century Polish of the act as reproduced by the Central Archives of Historical Records in Warsaw, which holds the original, with the Latin phrases as they stand embedded in the Polish text. The translations are this collaboration's own and are deliberately literal; *podług rozumienia swego* is rendered "according to his own judgement," and readers should note that *rozumienie* carries "understanding" as much as "judgement," which if anything strengthens the point. Deliberately not quoted: the line *si non iurabis, non regnabis*, which is given as a contested attribution rather than as anybody's words, because Polish scholarship holds it to be a later composition conflating a demand made at Paris in September 1573 with the coronation confrontation at Wawel on 21 February 1574, and because the two episodes are attributed in the sources to two different men. Also not quoted, for want of verification against a reproduction of the primary text: the royal edict of 5 December 1596 on the recognition of the united bishops, the sejm resolutions of 1638, 1658, 1668, 1717 and 1733, and the bull *Magnus Dominus et laudabilis nimis*; their provisions are described from published accounts, and recovering their wording is the first task for any revision of this module. Contested or approximate: the size of the Polish Brethren community, given variously as several hundred families and about five thousand emigrants in 1660 and as ten thousand or more in total; the number executed at Toruń in 1724, given here as the mayor and nine others, with some accounts saying ten citizens in all; the extent to which the confederation's exclusion of peasants was translated into practice on private estates, on which the scholarship explicitly warns against inferring a general *cuius regio* regime; and the confessional composition of the szlachta in 1573, which is estimated rather than counted and is not asserted here. Modern scholarship paraphrased and credited: Maciej Ptaszyński's reappraisal of the Warsaw Confederation in *Kwartalnik Historyczny* 131 (2024), for the sceptical reading this module follows; Tomasz Kempa, for the point that the crown towns were named among the establishing parties and that the act's silence on private estates does not license an inference about practice there; the Lithuanian institutional history published through the Orbis Lituaniae project, for the Privilege of Vilnius of 1563 and its signatories; and the standard reference literature on the Union of Brest, including the Catholic and Orthodox accounts, which are read against each other here rather than either being taken as neutral.

WITH THE ENTIRE ZAPOROZHIAN HOST

Module 4 · Formation — who installed in a child the cast of authorities he would believe without checking; the finding that in this order four different bodies did it for four different populations and not one of them was the state; that the population the order declined to form was formed anyway, out of magnate money and merchants' subscriptions, by schools licensed from beyond the frontier; and that when the state moved against those schools, an army enrolled in one

The question this module is actually asking

Before a person is old enough to weigh anything he is handed a map: who his natural superiors are, which voices are to be believed without checking, what the year looks like, what his place in it is. That handing-over is the most powerful instrument in any order, and it is not schooling — schooling is one delivery mechanism among several, and usually not the most important. It is also not persuasion, because its subject cannot yet argue.

The consequence that governs this module is simple and it changes the question. **There is no unformed person.** An order that declines to form a population has not left that population blank; it has left it in the hands of whoever was forming it before, and that somebody now holds, over several million people, a power the order does not have and cannot take back by legislation.

So the question here is not whether the Commonwealth educated its subjects. It is: for each of its populations, who installed the cast of authorities, what did the cast contain, who paid, and what did the payer get. The Commonwealth returns four answers, and the state is in none of them.

The noble child

The szlachta's son was formed in three places: the household, a Jesuit college, and the local assembly, in that order.

The Jesuits arrived on 2 November 1564, called to Warmia by Cardinal Stanisław Hozjusz, who had sat at Trent and understood exactly what he was importing. His Collegium Hosianum at Braniewo opened in 1565–66 with a gymnasium and, from the same year, a *convictus nobilium* — a boarding house for the sons of the Polish

nobility. Its placement was not accidental: Braniewo stood in a region where Protestant schooling was dominant, and the college was founded to end that dominance and give Catholic boys somewhere to go. Within four years the province had a novitiate, and of the hundred and twenty-six men who applied to enter it between 1569 and 1575, most were Polish nobles.

The network then grew at a rate that is the real measure of its effect. Twenty-two colleges in the Polish and Lithuanian provinces by 1615; thirty-six on the eve of the mid-century wars; forty-six by the later seventeenth century; some sixty at the suppression of the Society in 1773. Most ran a five-class programme; nine carried higher studies. The college at Kalisz, founded in 1584 by the primate Stanisław Karnkowski, reached about five hundred students.

Ask the framework's question about the instrument — built by the order, or annexed from an existing one — and the answer here is neither. It was *imported and privately endowed*. A cardinal paid for the first, a primate for another, magnates for many of the rest. The Commonwealth had no ministry of education, no education budget and no state schools, and it never acquired any until the Commission of National Education in 1773 — which is to say, until three years after the first partition. For two centuries the formation of the Commonwealth's ruling estate was a charitable enterprise run by a religious order under foreign superiors, and paid for by the families whose sons it took.

What was installed is at least as important as who installed it. The Jesuit *Ratio studiorum* was adapted to local conditions to produce a particular figure — the citizen-orator, a man whose training was rhetorical, whose exercise was public argument, and whose destination was the *sejmik*. The Latin was the vehicle; Polish became the second language of Latinity, and the reason the Ruthenian and Lithuanian nobility became Polish-speaking within a few generations was not a language law, of which there was none, but a curriculum. And the cast the schooling installed was consistent with everything the settlement required: a father, a clan, a confessor, a king who was an elected officer, and an assembly in which the truth of a public question was settled by speech among equals. Half a million men, each formed to believe he could tell a good argument from a bad one in a hall, is not a side-effect of the Commonwealth's constitution. It is the constitution's supply chain.

One complication has to be recorded because it cuts against the moralising version. The colleges also took Protestant and Orthodox noblemen's sons, and burghers' sons in smaller numbers, and they were the best schools available and cost the family little. A great deal of the confessional shift of the seventeenth century happened through that

door, without a single act of coercion, one enrolment at a time. The most effective instrument of the Counter-Reformation in this country was a good free school.

The peasant child

The village priest, the calendar, and the household.

Parish schools existed and in places the medieval network had been dense — the Kraków palatinate's was among the most developed in the whole country — but two facts about them are more instructive than any count. The network decayed sharply across the eighteenth century rather than growing. And the reasons the scholarship gives for that decay are, first, the nobility's reluctance to have peasant children taught at all, and second, the peasants' own reading of the school as one more demand of serfdom from which they would derive nothing. When the Commission of National Education tried to revive parish schooling in the 1770s and 1780s, including a proposal that the nobility should found the schools, the number of parish schools fell anyway.

So the formation of some three-quarters of the Commonwealth's population ran almost entirely through the parish and the household, and its principal instrument was the year. The calendar of saints' days, of the fast, of the patronal feast and the harvest, scored a peasant's life and told him what season it was and what was owed; and the labour week, one day from every *łan* by the statute of 1520 and more later, was laid across it. The map of authority delivered by that arrangement had God, the priest and the lord on it, with no visible seam between them, because one institution taught all three.

What was not on the map was the state. After the renunciation of 1518 the king had no jurisdiction over a peasant on a private estate, and a person does not defer to an authority he has never encountered. The observation of one Polish historian of the subject — that from that point the state withdrew almost entirely beyond the horizon of the peasant's experience — is a statement about formation before it is a statement about law.

The exception is the one this study will keep returning to. On the royal demesne, the referendary court remained open, and a peasant who could bring a complaint against the *starosta* knew that the king existed as something a person could appeal to. That is a difference in the cast, not merely in the law, and it is why the two rural populations of the Commonwealth are worth reading separately.

The Ruthenian child

Here the order had a decision to make, and what it decided is the centre of this module.

Forming the Ruthenian population in the Commonwealth's own terms would have meant making them into the sort of people the Commonwealth's terms describe — and the whole architecture of the settlement, from the confessional clause at Horodło to the oath-sworn boundary of the noble estate, existed to keep that from happening. To form them would have been to admit them. So the state formed nobody in Ruthenian, spent nothing, and built nothing.

They were formed anyway, and by three sources of money in three decades.

A magnate's fortune. Konstanty Wasyl Ostrogski, palatine of Kyiv and the greatest Orthodox layman in the country, founded schools at Turiv in 1572 and Volodymyr-Volynskyi in 1577, and around 1576 the Ostroh Academy — the first institution of higher learning in the East Slavic world, teaching Greek, Latin and Church Slavonic together, and known in its day as the Athens of Volhynia. He set up a press at Ostroh about 1578 and brought Ivan Fedorov to run it. Out of it came an *Azbuka* and a primer in 1578, a New Testament with an alphabetical index in 1580, and in 1581 the Ostroh Bible: the first complete printed Bible in Church Slavonic, six hundred and twenty-eight folios, in an edition usually put at fifteen hundred to two thousand copies. One man, from his own estate revenues, decided what an entire confession's clergy would read.

Merchants' subscriptions. The Lviv Dormition Brotherhood was a lay association of Orthodox merchants and tradesmen with references reaching back to 1463. In 1586 the Patriarch of Antioch confirmed its statute and granted it *stauropegion* — direct subordination to a patriarch, bypassing the local bishop — and Jeremiah II of Constantinople confirmed it in 1589. On 8 October 1586 it opened a Greek and Ruthenian school, the first brotherhood school, deliberately open to children of all estates; its organisers were burghers and noblemen acting together across the estate line. Its press produced, in 1591, the *Adelphotes*, the first comparative Greek–Slavonic grammar, and between 1591 and 1722 it issued around a hundred and forty titles in something like a hundred and sixty thousand copies, which circulated into Belarus, Moldavia, Wallachia, Bulgaria and Serbia. Its teachers — Yov Boretsky, the lexicographer Pamva Berynda — went on to Kyiv and founded the school there. Brotherhood schools followed at Peremyshl, Rohatyn, Halych, Brest, Lutsk and Vilnius.

Note what *stauropegion* is, in the framework's terms. It is a licensing rule. A guild of merchants in Lviv obtained, from a patriarch under Ottoman rule, a document placing

its school and its printing press outside the reach of any authority the Commonwealth could appoint. Ten years before the crown reached for the certification of the Ruthenian interpreters at Brest, the brotherhoods had already secured theirs — and they had secured it abroad.

And then the sword. The Kyiv Epiphany Brotherhood founded its school in 1615. Petro Konashevych-Sahaidachny, hetman of the Zaporozhian Host, had been educated at the Ostroh Academy in the 1590s, and he enrolled himself and the entire Host in the Kyiv brotherhood — in 1616 by some accounts, in 1620 by others, and the date is worth flagging as contested rather than settled. The purpose recorded in the sources is blunt: to prevent the school being converted into a Jesuit collegium. The Commonwealth's government, on the same accounts, understood perfectly well what had happened and did nothing, because there was nothing it could do.

In October 1620, in the Epiphany church of the brotherhood's monastery in Kyiv, under the protection of Cossack detachments, Patriarch Theophanes III of Jerusalem consecrated an entire replacement Orthodox hierarchy: Isaiah Kopynsky first, then, three days later, Job Boretsky — rector of the brotherhood school — as metropolitan of Kyiv, and others besides. The Commonwealth declined to recognise them for twelve years and then recognised them in 1632.

Read that sequence as a mechanism rather than as a national epic. An order refused to form a population because forming it would have meant seating it. The population's own magnates and merchants formed it instead, at their own expense, in schools licensed from outside the state's jurisdiction. Those schools produced men — a hetman and a metropolitan out of the same two institutions, within a generation of each other. And when the state's licensed hierarchy moved to displace the unlicensed one, the school turned out to have an army enrolled in it.

The sequel completes the point. In 1631 and 1632 the Kyiv brotherhood school merged with the Cave Monastery school to form the Mohyla Collegium, and Petro Mohyla pushed Latin and Polish into an Orthodox curriculum against opposition from some of the clergy and some of the Cossacks — because he wanted graduates who could argue on the other side's ground. Those graduates staffed the chancery of the Cossack Hetmanate, and later went north and remade the Russian church for Peter the Great. The formation the Commonwealth declined to supply produced, within two generations, an administrative class for two rival states.

The Jewish child

The fourth installer was the one the state had licensed on purpose, and it is the case that shows what the sub-contract looks like when the sub-contractor's interests do not diverge.

The kahal ran the community's courts, its charity, its tax apportionment and its schools — the *cheder* for boys from early childhood, the yeshiva above it. Above the kahals sat the Council of Four Lands, whose first recorded law dates from 1580, with something like seventy delegates from the communities of Greater Poland, Lesser Poland, Ruthenia and Volhynia meeting twice a year at the fairs of Lublin and Jarosław; the Lithuanian communities formed their own council in 1623. Educational policy was explicitly within its remit, alongside taxation, adjudication and representation at the sejm. Estimates of male literacy among Ashkenazim in the seventeenth century run at sixty to seventy per cent, well above the surrounding population; they are estimates and should be read as such.

From the state's side this arrangement worked exactly as intended, and the intention is legible in the founding charter of 1264 discussed earlier: a population that governs and forms itself is a population that costs nothing to administer and pays its tax as a single collective sum. The Council was not a concession wrung from the Commonwealth. It was an efficiency.

And it ended the moment the efficiency ended. When the sejm decided in 1764 to collect the Jewish poll tax by a different method, it abolished the councils outright; the resolution, in the English rendering usually quoted, declares that henceforth there shall be no assemblies, apportionments or other injunctions relating to the Jews as had been customary, and abolishes them in perpetuity. Two hundred years of self-government in which a state had delegated the formation of a population to that population's own institutions were ended by a change in a tax-collection procedure. That is the honest measure of what the delegation had been for.

The year itself

The single most concrete instrument in this module is the calendar, and the Commonwealth ran two of them.

Poland-Lithuania adopted the Gregorian reform by royal decree in 1582 along with the Catholic states: Thursday 4 October was followed by Friday 15 October, and ten days ceased to exist. The Orthodox did not follow. From that autumn onward the populations of a single state kept different dates — Easter on different Sundays, every saint's day ten days apart, the legal and fiscal year running on one reckoning while the

majority of the eastern peasantry counted another. Where the attempt was pressed on an unwilling town it produced open disorder: Riga, then under the Commonwealth, rioted over the new calendar on and off between 1584 and 1589, though there the calendar was entangled with a fight between the guilds and the patrician council and should not be read as a purely confessional matter.

And when the Union of Brest was negotiated a decade later, the Julian calendar was among the things expressly preserved for the united church, alongside the Byzantine liturgy and the married lower clergy. The negotiators knew what they were doing. A bishop's obedience can be moved by a document. A village's year cannot be moved at all without every household in it noticing on the same morning.

Reading formation against the framework

The principal finding is that withheld formation is not absent formation. It is delegated formation, and the delegate acquires a power the delegator cannot recover. The Commonwealth declined to form its Ruthenian millions because forming them in its own terms would have obliged it to seat them. What followed was not a blank population but a fully staffed alternative: an academy at Ostroh from about 1576, a press from 1578, a complete Church Slavonic Bible in 1581, a school and press at Lviv from 1586 licensed by a patriarch outside the state's jurisdiction, a network of brotherhood schools across half a dozen towns, a college at Kyiv from 1615, a hierarchy consecrated without the state's permission in 1620 under armed guard, and a collegium from 1632 whose graduates would staff two foreign chanceries. Every institution in that list was paid for by Ruthenians. None was granted by the Commonwealth and none could be withdrawn by it.

The general statement, offered for the rest of the collection to test: **a population an order refuses to form will be formed by whoever else is willing to pay, and the interval between the refusal and the appearance of a rival authority is roughly one generation — the time it takes for the first cohort to grow up.** Sahaidachny entered the Ostroh Academy in the 1590s and enrolled his army in a brotherhood school around 1616 to 1620. That is the interval, measured.

Second, where two powers contest a population's formation, the fight is over licences and not over doctrine — and it runs in both directions. The crown's instrument at Brest was a royal edict about who might lawfully be recognised and obeyed, which altered no article of belief. The brotherhoods' instrument was *stauropegion*, a patriarchal grant placing their schools and presses outside any jurisdiction the crown could appoint to — and they obtained it in 1586 and 1589, a decade earlier. Both parties reached for the same lever; the side that reached first held its

ground for two centuries. The instruction to carry: **in a contested formation, find the competing licences, and note which side secured its licence first and from whom.**

Third, the calendar is the load-bearing item and the parties to any negotiation know it. The Union of Brest conceded a hierarchy's obedience and preserved a calendar. That is the correct trade from both sides: the licence is what the state can enforce and the year is what the household experiences, and a settlement that moves the first while leaving the second alone has changed who signs the documents without changing anybody's formation at all. **Where an order tolerates a rival formation, establish precisely what it insisted on and what it conceded, and expect the calendar to be on the conceded side.**

And a correction to this collection's own habit of speech. It is easy, reading these cases, to talk as though formation were a lever an apex pulls. Nothing in the Commonwealth supports that. Every formative institution in this state was funded and run by somebody who was not the state — a cardinal at Braniewo, a primate at Kalisz, a magnate at Ostroh, a merchants' guild at Lviv, a council of communal elders at Lublin and Jarosław, a village priest on somebody's estate — and each of them received something specific in return. The position of the person who forms the child is not an instrument owned by the top of an order. It is a position that several parties compete to occupy, and an order that declines to occupy it has not thereby left it empty. It has conceded it. The Commonwealth conceded the formation of its ruling estate to a religious order under foreign superiors, the formation of its largest confession to that confession's own magnates and merchants, the formation of its Jewish population to that population's own council, and the formation of its peasantry to the parish. It got, from each of those decisions, exactly what the arrangement was designed to give it, and in one case it got a hierarchy it had not appointed and an army enrolled in a school.

A note on sources. This module quotes no primary text in the original, and the reason is the same as in Module 2 and should be recorded as a defect rather than a choice: the load-bearing instruments here — the statute of the Lviv Dormition Brotherhood School of 1586, the patriarchal charters of stauropegion of 1586 and 1589, Theophanes III's charter of 1620 to the Kyiv brotherhood, and the sejm resolution of 1764 abolishing the Jewish councils — survive in Church Slavonic, Greek and Polish, and their wording could not be verified against reproductions of the primary texts within this module's research. The closing words of the 1764 resolution are given in an English rendering quoted from a reference work and are flagged as such rather than presented as the Polish. Recovering these texts, and in particular the 1586 school statute, is the first task for any revision. Contested or approximate, and given as ranges rather than resolved: the year in which Sahaidachny enrolled the Zaporozhian

Host in the Kyiv brotherhood, given as 1616 in some accounts and 1620 in others; the founding date of the Ostroh Academy, given as about 1576 with the press about 1578; the print run of the Ostroh Bible, put at fifteen hundred to two thousand copies; the output of the Lviv brotherhood press, given as about a hundred and forty titles and a hundred and sixty thousand copies between 1591 and 1722; the counts of Jesuit colleges, taken from the Jesuit-studies literature as twenty-two by 1615, thirty-six before the mid-century wars, forty-six later in the century and about sixty in 1773; the enrolment at Kalisz, given as reaching about five hundred; and the estimates of Ashkenazi male literacy at sixty to seventy per cent, which are modern estimates and are not treated here as a count. The Riga calendar disturbances of 1584–89 are noted with the caveat that the confessional and the guild-versus-patrician disputes there are not separable. Modern scholarship paraphrased and credited: the survey of Jesuit education in the Commonwealth published in the *Journal of Jesuit Studies* 5 (2018), for the college numbers, the adaptation of the *Ratio studiorum* and the citizen-orator finding; the *Encyclopedia of Ukraine*, for the brotherhoods, their schools and presses, the Ostroh foundations and the Kyiv sequence; the YIVO *Encyclopedia of Jews in Eastern Europe* and the standard reference literature on the Councils of the Lands; and the Polish scholarship on parish schooling in the Kraków palatinate under the Great Sejm, for the decline of the parish school network and the two reasons given for it.

WE NO LONGER TRUST THIS DECEIVER

Module 5 · The Cost Column — why the ordinary man of the Commonwealth complied, read from his side and not the hierarchy's: a labour bill that rose from one day a week to five or six, an appeal to the crown given away in 1518 and never returned, a benefit column that was thin but not empty, and an exit that was genuinely open — which is why the burden was heaviest where the exit was furthest, and why the men who took it came back armed

Who is in this module

Something like three-quarters of the Commonwealth's people were peasants, and they were not one population. A *kmieć* with a full holding, his own draught animals and a heritable tenancy stood at one end; a *zagrodnik* with a cottage and a garden plot in the middle; a *komornik*, a lodger with no land at all who hired himself out, at the other. The *kmieć* had something to lose and therefore something to weigh. The *komornik* had almost nothing, which changes his arithmetic completely and is why the risings, when they came, were not led by the men with the most grievance.

Beyond them: the burgher of a royal town, who had a charter, a court and a wall; the burgher of a private town, who had a lord and was in most respects a subject like the villager outside the gate; the Jewish community, whose position after 1539 ran through the same private jurisdiction as the peasant's; the frontier settler on a twenty-year exemption; and the man who had already left, who is the subject of the second half of this module.

The question for each of them is the ordinary one: what does compliance cost, what does it get, what does defection cost, and can he simply go somewhere else.

What compliance cost

The labour bill is the item that can be counted, and it rose across the period this study covers.

The statute of 1520 set a *minimum* of one day a week from every *łan*. By the middle of the sixteenth century two or three days was ordinary across much of the Crown. By the early seventeenth century in the Vistula basin a full holding owed something like five days a week, rising to six in the harvest weeks; the estimates in the literature run

from three to six for the seventeenth century and should be read as a range rather than a rate. Whatever the exact figure, the direction is not in dispute, and neither is the arithmetic that follows from it: a man owing five days on the demesne has two left for the land that feeds his household, and those two must include the same weeks of ploughing, sowing and reaping that the lord is claiming.

The labour was not the whole bill. There were dues in kind and in cash on top of it. There was the mill monopoly. And there was *propinacja*, the lord's exclusive right to produce and sell alcohol on his estate, which by the seventeenth century was widespread and which obliged the peasant to buy beer and vodka from his lord's tavern and forbade him to bring any in from a neighbouring estate. Read as an instrument, that is a device for recovering whatever cash the man had managed to keep. Contemporaries understood it that way, and its second effect — mass rural alcoholism — is recorded by everybody who wrote about the Polish countryside from the seventeenth century onward.

Two honesties belong here before the picture hardens. First, at the beginning of the period the Polish peasant was not conspicuously worse off than his western European counterpart, and some accounts hold that he was materially better off than the western average into the sixteenth century; what happened afterwards was a divergence, not a starting condition. Second, the degree of evasion was probably high. A statute setting five days is evidence about what lords wanted and what the sejm would grant, not about what was performed in every village in a wet October. This module counts the demands because they are what survive; it does not mistake them for a time sheet.

What defection cost, and who collected

The enforcement was not the state's, and this is the fact that makes the Commonwealth's cost column an unusual object.

After the renunciation at Toruń in 1518 the crown declined to hear disputes between lords, secular or ecclesiastical, and their subjects. Different accounts date the closing of the peasant's access to the royal courts to 1518, 1521 or 1530, and the disagreement is worth recording rather than resolving; what is not disputed is that by the 1530s a peasant on a private estate had no appeal above his lord. The lord's court judged him. The lord's court judged serious crimes on the estate as well; where a village had any communal jurisdiction, the lord's court was the appeal from it.

What an unappealable local jurisdiction does with its powers is visible in one grim series. Between three and four thousand people are estimated to have been executed for sorcery in Poland, and the period of most intense prosecution was not the sixteenth century but roughly 1670 to 1730 — later than almost anywhere in western Europe,

and running on after the practice had been formally banned in 1776. Most of that killing was done by manorial and small-town courts, and most of the accused were peasant women. It is the clearest available measure of what a cost column looks like when the person holding it answers to nobody.

Alongside the lord stood the community, unpaid. Dues were often assessed on the village collectively, which makes every neighbour a creditor of every other; the *gromada* and its headman apportioned, reported and enforced. A man who ran left his obligations on the people he had grown up with. That is the cheapest enforcement any order ever gets, and the Commonwealth got it for nothing.

And in the south-east and in Lithuania there was a further figure in the chain whose position needs stating precisely, because it is a structural placement and not a moral fact about anybody. A law of 1539 removed the Jews living on noble estates from royal jurisdiction and placed them wholly under the nobility — the same move the crown had made about peasants twenty-one years earlier, applied to a second population. From that basis magnates leased their estate monopolies, and above all the *propinacja*, to Jewish leaseholders on three-year *arenda* contracts, who sublet in turn; by the eighteenth century a large fraction of the Jewish population of the Ruthenian lands lived by such leases, and in some districts village Jews were a third of the community. The arrangement suited the magnate exactly: it converted a monopoly into a fixed rent, it required capital and literacy he did not want to supply himself, and it placed between him and the peasant a person who was legally his dependent and physically present in the village.

The consequence is arithmetic. The man who collected at the tavern door was the visible end of a chain whose other end was an absentee proprietor the peasant would never see. When the reckoning came, it came at the visible end first, and it came with a savagery that this study will have to count when it reaches 1648. Setting the structure down here is not an explanation of that and still less an excuse for it. It is the position, and the position is what this method reads.

What compliance bought

The benefit column was thin. It was not empty, and a study that leaves it empty will not be able to explain why so few people ran.

The holding was heritable in practice, and it was the only claim on land a man of that estate could have. Custom, not law, gave a family continuity on its ground across generations, and the *kmieć* who complied kept a thing his children would inherit. Seed and tools came from the manor in a bad year, and the lord had an interest in the survival of a workforce he could not easily replace; that interest is real and it operated.

The parish supplied the year, the rites and a place in an order that made sense — and the module on formation has already made the point that this was not a trick played on him but the map he had been handed as a child, by the only people who ever offered him one.

And on one part of the land there was something more, and this study will keep returning to it. Peasants of the royal demesne retained access to the referendary court, in which they could bring complaints against the *starosta* who leased the estate from the crown. The right was used and it was used often; the Dutch and Frisian settlers of the Vistula who held on royal ground invoked it frequently enough for the fact to be remarked upon. Two rural populations therefore lived in the same country under the same king, one of which could be heard against its immediate master and one of which could not.

But the second master is not a benevolence, and the record forbids the comfortable version. When peasants of the Podhale rose against Mikołaj Komorowski between 1630 and 1633, they were rising on a *royal* starostwo against a royal official, and what they said was recorded:

> *We do not want the starosta as our lord, and we would rather all be killed than have him as our lord, and we will not allow him to the land, for we no longer trust this deceiver.*

They rose again in 1651 under Kostka Napierski, and again in 1669–70. So the correct statement about the second claimant is narrower and more useful than the flattering one: **a second master gives a man somewhere to complain and something to complain about.** What the competition produced was a right to be heard, not a right to be lighter.

The exit

Here the Commonwealth departs from almost every other case in this collection, and the departure explains most of what follows in this study.

In law, exit was closed. The statute of 1496 allowed one man to leave a village in a year and one member of a family to move to a town; the statute of 1532 forbade departure without the lord's consent at all; the right of recapture had no time limit. Burghers were barred from buying land, which shut the other route by which a peasant might have become something else. The nobility, as one recent economic study puts it plainly, collaborated to limit the peasants' exit options, and it did so through the sejm,

which is to say through an institution composed entirely of the men who would benefit.

In fact, exit was wide open, because the Commonwealth had a frontier and the frontier was recruiting.

The proof is not anecdotal. It is in the extraction schedule. At the end of the sixteenth century a peasant with a full holding in Red Ruthenia — Galicia, the old settled west — owed four or five days a week. In Volhynia and the country west of Kyiv he owed two or three. On the left bank of the Dnieper and in the Bracław region he owed no labour at all and paid money rent only. By the 1640s the whole gradient had ratcheted upward while keeping its shape: five days in Volhynia and the Kyiv region, one or two on the left bank and in Bracław.

Lay that map over a map of the country and the variable is unmistakable. The burden was heaviest where the steppe was furthest and lightest where a man could reach it in a few days' walk. Lords near the frontier were not gentler men. They were bidding, against each other and against the Sich, for bodies in a country with more land than people; and the settlement charters they issued said so, offering *słobody* — twenty or thirty years free of dues — to anyone who would come and clear ground within reach of the Tatars.

Which is the second half of the trade, and the common man knew the terms. The country he could escape to was the country the raiding parties came through. Estimates of the human take are large and contested: some two million people captured by the Crimean Tatars between 1500 and 1700 on one authority, with perhaps half seized in the Commonwealth; roughly a million lost from Poland between the 1490s and the 1690s on another; an average of about twenty thousand a year across the sixteenth and early seventeenth centuries; forty thousand from Volhynia, Podolia and Galicia in the single year 1676; nearly nine thousand from the land of Przemyśl alone in the raid of 1648. Between 1578 and 1583 about a third of the villages of Podolia were devastated or abandoned. A Polish saying of the period held it better to lie on one's bier than to go captive on the road to Tatary; the proverb's exact provenance is not established here and it is given as a saying rather than as a quotation from any named source.

So the ledger of the man on the eastern frontier was not "oppression against freedom." It was: five days a week and no appeal, against two days a week or none, and a real annual probability of ending his life in the market at Caffa. That the population moved east anyway, in enough numbers to fill new palatinates, is the strongest single statement anybody made about what the Commonwealth's settled countryside was like to live in.

The exit that armed the man who took it

And then there is the feature that makes this case structurally unlike the others.

In most orders in this collection, exit is a leak. The subject walks away and the extractor loses a taxpayer. Here the man who walked away arrived somewhere that gave him a sabre. The Zaporozhian Sich grew out of exactly this movement, and its own accounts describe its material as runaway serfs, ruined nobles, townsmen and adventurers; its population is put at something like a hundred thousand by the middle of the seventeenth century, and by 1775 the runaway serfs who had reached Zaporizhia from the Hetmanate and Polish Ukraine were reckoned at a further hundred thousand. It elected its officers, divided itself into kurens, and sat between the Commonwealth and the Crimea.

Follow the consequence for the cost column and it inverts. Every peasant who succeeded in leaving did not merely stop paying; he joined the one body in the country that could make the arrangement expensive. The Commonwealth's response — to write down three hundred names in 1572 and five or six hundred in 1578, and to pay them — was an attempt to buy the near end of that movement while the far end kept growing. The register was a cost-column instrument aimed at people who had already escaped the cost column, and the number on it became, from that moment, the most politically dangerous figure in the country.

The clock in the charter

One further mechanism belongs here because it explains timing, and timing is what a cost column is about.

The *sloboda* was not a gift. It was a deferral with a maturity date written into the founding charter of every new village on the frontier: twenty years free, or thirty. Those charters were issued in quantity across the south-east from the 1570s and 1580s, after the four palatinates were transferred to the Crown. Twenty years from 1590 is 1610. Thirty years from 1590 is 1620.

So across the first four decades of the seventeenth century, village by village, on a schedule nobody had to enforce and nobody could argue with, a population that had come for freedom and had grown up in it discovered that it was a population of serfs. Nothing was done to them. The clock simply ran out. And the men whose exemptions expired were living on the frontier, within reach of the Sich, in a country whose registered Cossacks were periodically cut and whose Orthodox church had been declared illegitimate in 1596.

That is not a cause of what happened in 1648, which will be counted where it belongs. It is a description of the ledger a very large number of men were holding when it did.

Reading the cost column against the framework

The principal contribution is that the exit dial can be read off the extraction schedule, and therefore mapped. This method has held that where every door is shut the extraction floor sinks toward the biological bone, and that the two dials an extractor turns are the credibility of punishment and the availability of exit. The Commonwealth supplies the positive form of the same proposition with unusual precision, because the same estate law and the same crown produced four or five days a week in Galicia and money rent alone on the Dnieper's left bank in the same decade. Nothing distinguishes those regions except how far a man had to walk to stop being reachable. The instruction to carry: **compare the extraction rate across the regions of a single order, and you have mapped its exits without needing to find a single runaway — and where the rate falls off toward a frontier, the frontier is the door.**

Second, an exit that arms the man who takes it is a different object from an exit that merely empties. Elsewhere in this collection flight is a fiscal loss. Here flight was a recruitment: the escapee reached a militarised community, was given a weapon and a place in it, and became part of the only force in the country capable of imposing costs on the arrangement he had left. Where that is the geography, the exit dial and the floor of force are not two variables but one, and every turn of the first is a turn of the second. This is the sharpest available explanation of why the Commonwealth's south-eastern policy oscillated so violently between paying Cossacks and hunting them: the same men were, depending on the month, the frontier garrison and the accumulated leakage of the estate system.

Third, a deferred obligation with a fixed maturity date schedules its own grievance. The *slobody* filled the frontier and guaranteed, in the same instrument, that the people who filled it would become aggrieved on a known date without anybody having to do anything. This is a general form worth testing elsewhere: **where a settlement recruits with a time-limited exemption, the expiry is not an administrative detail but a dated liability, and the cohort that matures together will grieve together.**

Fourth, and refining the standing proposition about two masters. This collection holds that two extractors bidding for one body produce something the body experiences as a right, and the guide this study inherited guessed that the Commonwealth's peasant had no second master at all. That guess is wrong, and wrong

in an instructive way. He had one on the royal demesne, where the referendary court remained open against the *starosta*, and none on private land after 1518. But the risings at Podhale in 1630–33, 1651 and 1669–70 were on royal ground, against a royal official, by peasants who had a court and used it and then rose anyway. So the refinement is this: **what competition between two claimants produces is a right to be heard, not a lighter load — and a subject who has been given a hearing has also been given an address to send his grievance to, which is why the orders with a second master generate more recorded protest and not less.** The silence of the private estates in this period is not evidence that they were quieter. It is evidence that there was nowhere for the noise to be written down.

A note on sources. Quoted exactly: the declaration of the Podhale peasants during the rising of 1630–33, given here in an English rendering of the Polish as reproduced in the scholarly literature on that rising; the original Polish could not be verified against a primary reproduction within this module's research, and the passage is therefore flagged as a translation of a quoted source rather than as a transcription. Given as a saying and not as a quotation, because its provenance could not be established: the Polish proverb comparing the bier with the road to Tatary. No statute is quoted in the original in this module, for the reasons set out in Modules 2 and 3, and the same defect stands: the wording of the 1518 renunciation, the 1520 corvée minimum, the 1532 prohibition on departure and the 1539 transfer of jurisdiction over estate Jews should be recovered from the *Volumina Legum* before this study is considered finished. Contested or approximate, and given as ranges: the weekly corvée, put at one day in 1520, two or three by the mid-sixteenth century and three to six in the seventeenth depending on region and authority; the regional gradient, taken from the *Encyclopedia of Ukraine* as four or five days in Galicia, two or three in Volhynia and west of Kyiv and money rent only on the left bank and in Bracław at the end of the sixteenth century, rising to five and to one or two respectively by the 1640s; the date on which the peasant lost access to the royal courts, given variously as 1518, 1521 and 1530; the Tatar captive totals, where Kołodziejczyk's roughly two million for 1500–1700 and Baranowski's roughly one million for Poland alone are set beside each other without being reconciled, and the annual average of about twenty thousand is an estimate built on those totals rather than an independent count; the Podolian village figure of about one third devastated or abandoned between 1578 and 1583; the executions for sorcery in Poland, given as three to four thousand with the peak between about 1670 and 1730; and the Zaporozhian population figures, about a hundred thousand around 1650 and a further hundred thousand runaways reckoned by 1775. Modern scholarship paraphrased and credited: Dariusz Kołodziejczyk and Bohdan Baranowski on the

captive trade, cited through the secondary literature that reproduces their figures; the *Encyclopedia of Ukraine* for the regional corvée gradient and the *sloboda* terms; the YIVO *Encyclopedia of Jews in Eastern Europe* for tavernkeeping, *arenda* and the effects of the 1539 law; the Polish scholarship on the Podhale risings; and the recent economic-history work on the Commonwealth's institutions for the finding that the nobility acted collectively through the sejm to limit peasant exit. Where the record is thin, it is thin in a particular direction and the direction should be named: almost every figure in this module was written down by somebody who was collecting, judging or taxing the people it describes, and the people it describes left almost nothing in their own hand. The Podhale sentence is in this module because it is one of the very few places where they can be heard at all.

FREE NAVIGATION ON THE VISTULA

Module 6 · Extraction — following the surplus of one of Europe's great grain exporters and finding that almost none of it reached the state: an obligation taken in labour rather than coin because nobody needed the disguise, a river down which the largest exporters shipped duty-free by their own statute, a frontier where the extractor bid for people instead of clearing them, and a treasury whose income per head was among the lowest in pre-industrial Europe in a country that was not poor

The size of the thing being divided

There is no mystery about whether there was a surplus. For roughly a century and a half the Commonwealth was the principal granary of western Europe.

Gdańsk handled on the order of three-quarters of all Baltic grain shipments. Dutch imports of Baltic grain rose from something like ten thousand *lasts* a year around 1500 to some sixty thousand by 1567. The port's own tradition puts the export of 1618 at a hundred and eighteen thousand *lasts*, on the order of two hundred and seventy thousand tonnes, though the figure comes from the exchange's own history rather than from the toll registers and should be treated accordingly. Alongside the rye and wheat went timber, potash, pitch, flax and hemp — the naval stores on which the Dutch and English merchant fleets were built.

The return cargoes are as informative as the outward ones: salt from Portugal and France, cloth from the Netherlands and England, wines from the south, spices and colonial goods. A country exporting the product of unpaid labour and importing the product of paid labour is a recognisable object, and the men who profited from the exchange were the men who supplied the unpaid labour.

So the question of this module is not where the wealth came from. It is where it went, and specifically why so little of it reached the treasury of the state whose territory produced it.

What the state received

The answer is now quantified, and the figure is the sharpest single number in this study.

Comparative fiscal-history work places the Commonwealth's central government revenue at below one gram of silver per head of population — among the very lowest levels of state income per capita in pre-industrial Europe, alongside the Ottoman Empire and behind every western state in the series. It was, in the technical sense, a *domain state*: a large share of what the treasury received came from the crown's own estates rather than from taxation of the country, and the sejm proved unable to establish permanent taxation at any point in the Commonwealth's existence. Total revenue in the middle of the eighteenth century is given in the English-language literature as around eight million złoty a year, a figure widely repeated and not verified here against a treasury account.

What existed was assembled ad hoc and can be listed. The *kwarta*, a quarter of the income of the royal demesne, established in 1563 with its fund voted the following year and its money kept from 1569 in the castle at Rawa Mazowiecka. The *łanowe*, a land tax assessed on peasant holdings, voted by the sejm when it could be got through. The *czopowe*, an excise on drink. The *pogłówne*, a poll tax, of which the Jewish poll tax was a distinct branch, collected as a single national sum by the Council of Four Lands until the arrangement was fixed by statute in 1717 and the councils abolished in 1764 when the sejm wanted the money gathered another way. Customs. Salt from the royal mines at Wieliczka and Bochnia, which was among the crown's better assets and which was periodically leased to magnate families.

And running against all of it, three dated exemptions.

The Privilege of Koszyce of 1374 released the nobility from the land tax altogether, reserving only the token two *grosze* from every settled *łan*. The Piotrków statutes of 1496 released a noble's own produce from duty on export and his imports for his own use from duty on entry. The constitutions of Toruń and Bydgoszcz of 1520 — the same session that fixed the minimum of one day's labour a week from every *łan* — granted the nobility free navigation on the Vistula.

Read those three together and the arithmetic is complete. The largest exporters in the country paid no duty on their exports; they paid no tax on the land that produced them; and they shipped down the river toll-free. This was not a loophole and it was not an oversight. Every one of the three was voted by an assembly composed entirely of the men it exempted, in exchange for something a king needed at the moment he needed it, and the constitution of 1505 had already established that nothing could be enacted without their consent.

The country was rich. The state was not. Those are two facts about the same territory and the bridge between them is a set of statutes.

What the obligation was payable in

This method's test of any extraction is not the rate but the medium: what will be accepted in satisfaction of the demand. A tax payable in kind is revenue; a tax payable only in the conqueror's coin, levied on a household that holds none, is a labour draft with the compulsion relocated out of the statute book and into the household's arithmetic, where a distant metropole will not see it.

The Commonwealth returns an answer that inverts the test and, in inverting it, sharpens it.

The principal obligation of the ordinary man was never monetised at all. It was labour, stated as labour, on the face of the statute — one day a week from every *łan* in 1520, two or three by mid-century, five or six in the Vistula basin by the early seventeenth. There is no disguise because there is nothing to disguise it from. Contributing causes are visible: coin was genuinely scarce in a peripheral economy, and a demand payable in silver would have been hard to collect. But the decisive fact is that the extractor did not want the peasant to enter a market at all. He wanted him in a field on Tuesday.

And where the household did acquire cash, a second instrument took it back. The *propinacja* obliged the peasant to buy his beer and vodka at the lord's tavern and forbade him to bring any from a neighbour's estate; the lease of that monopoly, on three-year *arenda* contracts, was among the most reliable revenues on a magnate estate precisely because it recaptured whatever the household had managed to keep. The peasant was denied a cash position at both ends of his year — his obligation was not in money, and his savings could not stay in money.

The refinement this yields is worth stating carefully because it makes the framework's test usable in both directions. **The disguise is a function of the audience, not of the extraction.** A colonial administration hides a labour draft inside a hut tax because there are voters and taxpayers at home who would not tolerate forced labour named as such, and who will walk past a tax without noticing it. The Commonwealth's legislators were the extractors, they answered to nobody outside the hall, and the statute of 1520 accordingly says exactly what it means. **The plainness of a labour statute is therefore evidence about the absence of an external conscience, not about the mildness of the regime — and where a study finds an extraction stated openly, it should look for the missing audience rather than concluding that nothing was being concealed.**

A third position on the fork

This method distinguishes two shapes of extraction. Extraction as a *rate* — a flow of harvest, rent or labour-days drawn at a tunable proportion, which needs the producer alive and tends toward an equilibrium just below the revolt threshold. And extraction as *dispossession* — a taking of the land itself as a stock, which has no setting below the threshold, produces the revolt by its completion, and tends toward the removal of the people on the ground.

The Commonwealth's core is the first case in a textbook form: grain and labour-days, tuned upward decade by decade as far as the ratchet would go, and stopping, as the previous module showed, exactly where the exit was nearest.

Its frontier is neither. The south-eastern palatinates after 1569 saw a land-taking on an enormous scale — charters to the "empty" lands, latifundia assembled by petition, purchase and seizure. But the object was ground that was worthless without people the taker did not have, in a country with more land than population, and within reach of a steppe that was killing and enslaving the population there was. So the instrument was not a clearance. It was an advertisement: *slobody*, twenty or thirty years free of all dues, to anyone who would come.

Call this what it is: **extraction as recruitment**. The extractor bids instead of clearing, because bodies are the scarce factor and ground is not; the extraction is deferred rather than immediate, and it begins only when the recruitment has succeeded. It has an equilibrium like the first form, but the equilibrium is reached from below, over decades, on a schedule the founding charter itself sets. And its dangerous moment is not the taking — nobody resisted the taking, because the takers arrived offering terms — but the expiry.

Where the money went

Not to the crown. It went to two places, and a share of it left the country.

To the magnates. The Radziwiłł latifundium in the Grand Duchy included more than two thousand cities, towns and villages, with a total value estimated at a hundred and fifty to a hundred and eighty million złoty, and brought in something like 1.3 million thalers a year in the eighteenth century. Karol Radziwiłł's estates covered something on the order of twenty-seven thousand square kilometres and, in 1763, sixteen towns and five hundred and eighty-three villages. In Ukraine a single Potocki held holdings measured in millions of acres. The comparison that circulates in the English-language literature — total Commonwealth revenue of some eight million złoty in 1748 against private fortunes of one million for the Zamoyskis, three for a

Potocki and five for a Radziwiłł, and the British envoy James Harris's estimate of a Radziwiłł income at eighteen million złoty in 1767 — is repeated here with its provenance flagged as unverified, because even at a generous discount it states the structural fact: the largest private incomes in the country were of the same order as, and by some accounts larger than, the income of the state.

To Gdańsk. The city took the merchant's margin, held the staple, and financed the trade. It was legally privileged, largely German-speaking and largely Lutheran, and it was not required to send a deputy to the election of the king. The richest city in the Commonwealth was constitutionally at arm's length from the Commonwealth.

And to Amsterdam. The Dutch carried the grain, warehoused it, insured it, financed it against the next harvest, and set the price at which it sold. The Commonwealth was a price-taker in a market its customers had organised, and Baltic scholarship treats it as sitting in a specie-importing zone — which is to say that in the accounting of the whole exchange, the flow of silver ran toward the Baltic and the flow of value did not necessarily run with it.

Where the extraction sat, and what happened when the price fell

The previous module established that the rate across the Commonwealth's regions tracked distance from the frontier rather than any assessment of what a household could bear. That is the equilibrium in operation: the extractor took what he could get away with, and what he could get away with was set by where the man could go.

What happened when the market turned is the more revealing test. Grain prices fell at the end of the seventeenth century, and the response of the estates was to enlarge the demesne — usually by appropriating peasant holdings — and to demand more labour days. That is the behaviour of an extractor who has run out of tuning room in the direction he needs: his own obligations do not fall when the price does, so the take rises as the yield falls. And the yield was already poor. Estimates of grain harvested per grain sown under corvée labour run at around three to one, well below what free labour returned elsewhere; the figure is an estimate and is flagged as one, but the direction is not disputed and it names the trap. A system extracting labour it does not pay for has no reason to make the labour more productive, and no way to, because the man doing it has two days a week for his own field and no capital.

The story on the mechanism

There is very little to report here, and the absence is the finding.

The extraction carried no legitimating story addressed to the people it fell on. Module 4 explained why: nobody was forming the peasant in the Commonwealth's terms, so nobody was obliged to justify the arrangement to him in those terms, and the account of the world he had been given — parish, calendar, lord, God, in one continuous fabric — did not require a separate argument for the corvée.

The one justification that did exist ran upward and sideways, among nobles and toward the king: that the noble's exemption from taxation was the consideration for his personal service in arms. It is the express logic of the Koszyce privilege of 1374, which reserved the duty to come out with all his strength against an invader, and of every privilege after it.

By the seventeenth century that claim was plainly false, and everybody in the hall knew it. The service it compensated was the general levy — the body that had assembled at Lwów in 1537 and deliberated instead of marching, and that no commander after the 1560s expected to be useful. The exemption survived the disappearance of the thing it was payment for by a century and a half, and was still being defended on the same ground in the eighteenth century, which is a clean instance of a legitimating claim outliving its warrant and continuing to work because the audience for it was the beneficiary.

Reading extraction against the framework

The principal contribution is to distinguish two conditions that look identical in a revenue table. A state that cannot tax and a state whose taxpayers are its legislature both show low receipts, and this method has not previously separated them. The Commonwealth separates them, because it was simultaneously among the richest agricultural exporters in Europe and among the poorest states per head in Europe, and the bridge between those facts is three dated statutes voted by the exempted. **The diagnostic is not the level of revenue but the identity of the body that granted the exemptions: where the exempted and the legislature are the same men, low fiscal capacity is a distributional choice rather than an economic condition — and the two behave completely differently under military pressure, because a poor state can be made richer by growth and an outvoted one cannot be made richer by anything short of a change in who votes.**

Second, the medium-of-payment test read backwards. That test was built to detect a labour draft concealed inside a cash demand, and the concealment exists because a metropole is reading the statute book. The Commonwealth states its labour demand openly in the constitution of 1520 because there was no metropole, no distant conscience, and no audience whose belief had to be managed. **The instruction that**

follows: where an extraction is stated plainly on the face of the law, do not record mildness or candour — record the absence of an external audience, and go and ask who was supposed to be watching and was not. The disguise measures the audience; its absence measures the audience's absence.

Third, a third position on the extraction fork: extraction as recruitment. Where the object is a stock of land but the scarce factor is people, a land-taking order neither tunes a rate nor clears the ground. It advertises, on terms, with a term. That is the *sloboda*, and it produces an extraction curve unlike either of the framework's existing shapes: zero for twenty or thirty years, then the full local rate, arriving on a date fixed in the founding charter and falling simultaneously on everyone recruited in the same decade. **A land-taking in a labour-scarce country is deferred rather than immediate, and its point of maximum danger is the expiry rather than the seizure.**

And on the pairing this case was chosen for. The Commonwealth and Brandenburg-Prussia sold the same commodity, down the same sea, to the same Amsterdam buyers, in the same decades, using the same institution of bound peasant labour on a demesne farm. The commodity therefore explains neither outcome. What differs is the disposal of the proceeds: in one order the nobility that produced the grain was also the fiscal legislature and voted itself out of the customs, the land tax and the river tolls; in the other, a nobility with the same estates and the same serfs was bought into a salaried officer corps and the state took its share. This module does not attempt the Prussian figures, which belong to that study and are not verified here. It states only the structural point, which the two cases put beyond doubt: **the grain did not decide anything. The question of who could grant an exemption decided everything, and that question had been settled in Poland by 1505 and in Brandenburg after 1653.**

A note on sources. No primary text is quoted in the original in this module, and the standing defect recorded in Modules 2, 3, 4 and 5 applies again: the exemption clauses of the Koszyce privilege of 1374, the Piotrków statutes of 1496 and the Toruń and Bydgoszcz constitutions of 1520 are the load-bearing instruments here and are described from published accounts rather than quoted, their wording not having been verified against the *Volumina Legum*. That recovery remains the first task for any revision of this study, and it matters most in this module, because an exemption clause is precisely the kind of drafting this method insists on reading rather than summarising. Contested, approximate, or flagged as to provenance: the Commonwealth's per capita central revenue, given as below one gram of silver on the authority of the comparative fiscal-capacity literature and not independently computed here; total revenue of around eight million złoty in the mid-eighteenth century, and the 1748 comparison of

that figure with private fortunes of one, three and five million złoty, and James Harris's 1767 estimate of eighteen million — all of which circulate widely in the English-language literature and none of which has been traced here to a treasury or estate account, and which are therefore given as illustration with the caveat attached; the Gdańsk export of a hundred and eighteen thousand *lasts* in 1618, which comes from the grain exchange's own institutional history rather than from the Sound Toll registers; Dutch Baltic grain imports of about ten thousand *lasts* in 1500 rising to about sixty thousand by 1567; Gdańsk's share of Baltic grain shipments at about three-quarters; the Radziwiłł latifundium's value at a hundred and fifty to a hundred and eighty million złoty and its revenue at about 1.3 million thalers a year in the eighteenth century, and Karol Radziwiłł's holdings at about twenty-seven thousand square kilometres with sixteen towns and five hundred and eighty-three villages in 1763; and the yield ratio of about three grains per grain sown, which is an estimate carrying a wide margin. The *last* is not a stable measure across ports and periods and no conversion in this module should be treated as exact. Modern scholarship paraphrased and credited: Kıvanç Karaman and Şevket Pamuk on comparative fiscal capacity, and Richard Bonney on the domain state, both cited through the recent economic-history work on the Commonwealth that applies them to this case; Anna Sucheni-Grabowska and Mikołaj Malinowski on Polish fiscal capacity, likewise cited at second hand; the Stanford study of the Jews on the Radziwiłł estates for the latifundium's value and revenue; the YIVO *Encyclopedia of Jews in Eastern Europe* for the *propinacja* and the *arenda*; and the Baltic trade literature, including the work on the balance of Polish sea trade with the west between 1565 and 1646, for the specie-flow finding and the structure of the return cargoes.

FOR THE COMMON KNOWLEDGE

Module 7 · Information and Suppression — a censorship that could only be run as a lawsuit against a peer, because to reach a printing press the state had first to reach the nobleman whose ground it stood on; a dense two-way information system built for eight per cent of the population and nothing at all for the rest; one royal newspaper that lasted forty-one numbers and died four days after the reform it existed to sell; and a European reputation the Commonwealth declined to manage, which its neighbours therefore manufactured for it and cited as grounds for invasion

Three audiences, and what each was worth managing

Any order's information problem is really several problems sorted by audience, and the Commonwealth's sort cleanly.

There was the political nation — the szlachta, eight to ten per cent of the population, literate, armed, meeting in assembly, and the only body that could vote a tax or a war. Managing what these men believed was worth an enormous amount, and everybody who wanted anything spent effort on it.

There was everybody else — perhaps eight or nine million people whose account of the world came from a parish and who had no vote, no assembly and no channel. Managing what they believed was worth nothing to anybody, for the reason the formation module established: they were already formed, by clergy the state did not pay, in a settled account that did not require the corvée to be separately justified.

And there was Europe — the courts, the presses and the reading publics of the states whose recognition affected whether the Commonwealth was left alone. Managing this audience turns out to be the module's real subject, because the Commonwealth is the case of an order that did not attempt it.

The censorship that could not be run

Start with the machinery, because the absence of it is not an accident of temperament.

Formally, the instruments existed. The Church's *Index* applied. Bishops issued prohibitions. The Kraków Academy exercised a censoring function. In practice none of this had an apparatus, and the reason is structural rather than doctrinal: a printing press stood on somebody's ground, and after 1518 and the immunities of 1430 and 1433 the ground of a nobleman was not a place the crown's officers could simply enter.

So the presses that mattered were private, and their patrons were magnates. Mikołaj Radziwiłł the Black funded the press at Nieśwież from 1562, where Szymon Budny printed for the Reformation, and it moved on to Lask ten years later. Konstanty Wasyl Ostrogski established his at Ostroh around 1578 and brought Ivan Fedorov to run it. The Antitrinitarians printed at Raków from 1602. A censor wishing to close any of them would have had to proceed not against a printer but against a prince.

Which is exactly what happened the one time the state moved decisively, and the mechanism is the diagnostic fact of this module. When the sejm destroyed Raków in 1638, the proceeding was against **Jakub Sienieński, the owner of the town**, arraigned before a parliamentary court for supporting the academy and the press on his land. The sentence then reached the press, the church and the professors. But the case was against the landlord, because the landlord was the only person over whom the state had any purchase at all.

Read as an instrument, that tells you the whole shape. **Where an order must sue a proprietor to reach a channel, the channel is not within its jurisdiction — the ground is.** Censorship in such a state is not an administrative function that runs continuously in the background; it is a lawsuit against a peer, and it can be brought only when enough of the peer's peers are willing to see him ruined. Which in turn explains the otherwise puzzling rhythm of suppression in the Commonwealth: nothing for eighty years, then a sequence of decisive blows in 1638, 1658 and after. What changed was not what was being printed. What changed was the confessional arithmetic in the hall.

The information system that did work

While the state had almost no capacity to stop information moving, the political nation had built, over two centuries, an information system of a kind few contemporary monarchies possessed — and had built it for itself.

Its base was the local assembly. On one modern count there were at least sixty-eight particular sejmiks across the Commonwealth at various times, forty-four in the Crown and twenty-four in the Grand Duchy. Each elected the deputies who went to the general sejm, and each sent them with a written *instrukcja* — an instruction which was frequently not advisory but binding. The Upytė district's instruction of 1621 puts the principle without ornament:

> *We oblige their Graces Lords Envoys with faith and honesty not to assume anything burdening but what is allowed in the instruction. And if the Commonwealth badly needs something, we ask the envoys to appeal to us again,*

assuring our brothers that we shall not neglect them. And if something that contradicts our decisions is decided, we do not want to accept it.

That is a mandate flowing upward from constituents to representative with a sanction attached, and it required the constituents to be informed. The traffic ran both ways: the deputy returned to render a *relacja*, an account of what had been done and why. Around the instructions accumulated the *lauda*, universals, manifestos and protestations — all of them entered in the books of the castle and land courts, which is why they survive today scattered across thousands of volumes in archives in several countries.

Above that ran the private channels. Manuscript newsletters circulated among magnate households; a great deal of what a nobleman knew about the country came through correspondence. Printed gazettes arrived late — the *Kurier Polski* from 1729 — and the *Volumina Legum*, the printed corpus of the Commonwealth's statutes, was compiled and issued in the eighteenth century under the editorship of the Piarist reformer Stanisław Konarski, its precise sequence of volumes not verified for this module.

Set beside the previous modules, the pattern is now consistent across four separate instruments. The robe was elaborate upward and absent downward. The formation was purchased upward and conceded downward. The extraction was voted upward and imposed downward. And the information system was dense, two-way and enforceable upward, and non-existent downward. These are not four facts. They are one fact seen four times.

The one attempt at a public organ

On 3 January 1661 the first Polish newspaper appeared at Kraków, under a title that is worth quoting because it announces exactly the thing it was not: *Merkuriusz Polski, dzieje wszystkiego świata w sobie zamykający, dla informacji pospolitej* — the Polish Mercury, encompassing within itself the affairs of the whole world, for the common knowledge.

It was sponsored by the court of John II Casimir and Marie Louise Gonzaga, its initiative usually attributed to the Crown Court Marshal Łukasz Opaliński, and it was modelled on the *Gazette de France*. It printed foreign news, dynastic affairs and the campaigns against Moscow and the Cossacks. It moved to Warsaw with the court from the twenty-eighth number in May. Its print run is estimated at somewhere between one and three hundred copies.

And it had an undeclared purpose which it pursued consistently: to win the opinion of the szlachta for the election of a successor in the reigning king's lifetime — *vivente rege* — which the court intended as the first step toward a hereditary monarchy capable of strengthening royal power permanently. The nobility was against it. The court's reform collapsed at the sejm of that summer, and the forty-first number, on 22 July 1661, four days after the sejm ended, was the last.

Read that as an instrument and it is not a false start in the history of journalism. It is a lobbying campaign with a masthead. The crown's one attempt at a periodical was aimed at the only audience whose opinion had cash value, on the single question the crown most needed to win, and it stopped the week the question was lost. The Commonwealth had no state press for the same reason it had no standing army and no permanent tax: there was no continuing thing the state wanted to say to anybody, because there was no continuing state interest that the political nation had not already reserved to itself.

Suppression as a funnel with no chosen spout

This method holds that suppression which is not total is a funnel, and that the suppressor ordinarily chooses the spout.

The Commonwealth's suppression was not total and it did not choose. The sentence of 1638 closed the Raków press and academy and banished the professors on pain of death. The sejm resolution of 20 July 1658 required the Polish Brethren to sell up and leave. What followed was that the community's arguments were printed in Amsterdam, in the collection published as the *Bibliotheca Fratrum Polonorum*, and were read across northern Europe by people including Locke and Bayle. A body of anti-trinitarian and tolerationist argument that had been produced on a Polish nobleman's estate entered the European Enlightenment through a Dutch press, having been given its final push by the Polish sejm.

That is not an irony. It is the same mechanism appearing twice. The limit on the Commonwealth's suppression was jurisdictional reach, and its reach was short in both directions — short enough that it could not enter a magnate's town without a lawsuit, and short enough that it could not follow the exiles across a border. **A suppressor chooses the spout only where his reach exceeds the channel. Where it does not, he has not chosen anything; he has relocated the channel to a place he cannot see it** — and what returns from such a place is not a book but a reputation.

The audience nobody was managing

Which brings the module to the thing it exists to establish.

The Commonwealth had a foreign robe and used it: the claim to be the bulwark of Christendom, addressed to Rome, to the Habsburgs and to Catholic Europe generally, and cashed for standing and occasional subsidy. But it never built anything that could be called management of the European view of itself — no resident propagandists, no subsidised pamphleteers, no press bureau, no organised answer when it was attacked in print. It answered to no metropole, and so it behaved as though there were no audience.

There was an audience, and by the eighteenth century the audience's opinion was being supplied by others.

The event they used was real. In July 1724, after a brawl between Jesuit pupils and Lutheran townsmen at a procession in Toruń, a royal court condemned the mayor Johann Gottfried Rösner and nine other leading Protestant citizens, and they were executed. What followed is the part that belongs in this module. Over a hundred and sixty-five contemporary publications and hundreds of newspaper reports carried the story across Protestant Europe. Brandenburg-Prussia's publicity apparatus drove much of it, in German states that were themselves persecuting religious minorities. The Berlin court preacher Daniel Ernst Jablonski published *Das betrübte Thorn* — Thorn in its affliction — in 1725. An Amsterdam publisher ran a pamphlet series by an anonymous author styling himself a lover of the Protestant religion. And a print attributed to Pieter van den Berge set the severed heads of the Toruń convicts beside a portrait of William of Orange, assassinated by a Catholic in 1584 — a visual argument that the killer was the same in both cases and that Dutch readers had a stake.

Forty years later the same event was taken off the shelf and used again. Between 1767 and 1771, Voltaire wrote in the service of Catherine II, and the Toruń executions recur in the papers commissioned by the Russian court and in his correspondence, supporting St Petersburg's diplomatic and military offensive in Poland over the rights of the dissidents — the rights the Commonwealth had legislated away in 1717 and 1733. The scholarship on this material is direct about its effect: these writings did a great deal to establish in western opinion the idea that eighteenth-century Poland was an intolerant country, and that idea was among the stated grounds on which armies entered it.

Two things have to be held together here and neither cancels the other. The Commonwealth had in fact done the thing it was accused of; the men were really executed and the exclusions were really enacted, and Module 3 counted them. And the account of the country that reached Europe was assembled by the states that intended

to partition it, amplified through presses in countries doing worse, and reactivated on schedule when it became diplomatically useful. Both are true. The framework's business is not to adjudicate between them but to notice that the second was possible because nobody in Warsaw was contesting the ground.

Reading information and suppression against the framework

The principal finding concerns the audience, and it is the mirror image of the Italian colonial case. There, an order poured its effort into the metropolitan and European view of itself and comparatively little into its own subjects or settlers, because the European view was what its survival was priced against. The Commonwealth is the same variable at the opposite setting. It managed the opinion of the men who voted its taxes with enormous care — sixty-eight assemblies, binding written mandates, formal reports back — and spent essentially nothing on Europe, because it answered to nobody and could not see why it should.

The general statement, offered for the corpus: **an order's information effort is aimed wherever its survival is actually priced, and the two audiences most commonly mispriced are the ruled, who are usually already formed and therefore cheap, and the foreign public, which is usually assumed to be irrelevant until the moment it is not.** And the position of the party who explains a country to Europe behaves exactly like the interpreter position this method has described inside an order: it cannot be abolished, only occupied. **A state that does not occupy it has not left it empty; it has left it to be occupied by whoever finds the occupation profitable** — in this case by Berlin and St Petersburg, at a moment of their choosing, using materials the Commonwealth itself had supplied.

Second, where the floor is plural, censorship is a lawsuit and the diagnostic is who is prosecuted. The 1638 proceeding at Raków ran against the town's owner, not its printers, because the ground was the only thing the state had jurisdiction over. **Where an order must proceed against a proprietor to reach a channel, suppression is not a continuous administrative capacity but an episodic act requiring the consent of the proprietor's peers — which is why such orders show long silences punctuated by sudden severity, and why the timing of the severity tracks the composition of the assembly rather than the content of the press.** That is a testable prediction and it is worth carrying to the other cases with divided floors.

Third, the funnel needs a condition attached. Suppression that is not total is a funnel and the suppressor chooses the spout — but only where his reach exceeds the channel. The Commonwealth's did not, in either direction, and so the Socinian press was not redirected but exported, and what came back was European opinion rather

than Polish books. **Add the condition: where the suppressor's jurisdiction is shorter than the channel he is closing, he does not choose a spout at all, and should expect the suppressed material to return in a form he cannot answer, from a place he cannot reach.**

And one instrument to add to the corpus. The sejmik *instrukcja* is the sharpest example this collection has yet found of information flowing upward with a sanction attached — a written, binding mandate from constituents to a representative, enforceable by repudiation of anything he agreed beyond it. It is what a crowded seam looks like when the crowd is small, armed and literate, and it is worth setting beside the cases where no such instrument exists, because it establishes that the presence of a genuine upward channel is compatible with the complete absence of one for nine-tenths of the population. The two facts are not in tension. They are the same settlement, described twice.

A note on sources. Quoted exactly in the original where the original was available: the full title of the *Merkuriusz Polski Ordynaryjny*, in its seventeenth-century Polish. Quoted in translation, with the original Polish or Ruthenian not verified against a primary reproduction within this module's research and the passage therefore flagged: the instruction of the Upytė district sejmik of 1621, given here in the English rendering published by the Lithuanian institutional-history project that reproduces it. No statute or sejm resolution is quoted in the original; the standing defect recorded since Module 2 applies again, and the sentence of the sejm court against Jakub Sienieński in 1638 is described from published accounts rather than quoted. Contested or approximate: the print run of the *Merkuriusz*, given variously as up to three hundred and as one to three hundred copies; the count of sejmiks, given as at least sixty-eight on Wojciech Kriegseisen's calculation; the figure of over a hundred and sixty-five contemporary publications on the Toruń executions, taken from the German scholarship on the episode as a European media event; the number executed at Toruń, given here as the mayor and nine others with some accounts saying ten citizens in all; and the compilation dates of the *Volumina Legum*, which are not asserted. Modern scholarship paraphrased and credited: the Oxford volume on the early modern Dutch press and the making of humanitarianism, for the Toruń pamphlet campaign, the van den Berge print and the Amsterdam pamphlet series; the study of the Toruń motif in Voltaire's writings for Catherine II published in *Kwartalnik Historyczny* (English-language edition, 2021), for the reuse of the episode in 1767–71 and its relation to the dissident question and the first partition; Wojciech Kriegseisen on the sejmiks; the Orbis Lituaniae project on the instructions and their binding force; and the Polish press-history literature on the *Merkuriusz* and its purpose. Where this module rests on a

negative — that the Commonwealth built no apparatus for managing foreign opinion — the negative is an inference from the absence of any such apparatus in the literature rather than from a source stating it, and should be treated as the weaker kind of claim it is.

THE TSAR WAS TO BE GUARANTOR

Module 8 · Elite Coordination and the Default — the case where the claimant class did not have to be managed by a centre because it had disabled the centre instead; where the single-hand veto was not a brake but a transfer, moving business from a body no magnate could control to fifty bodies he could; where the poorest member of a privileged estate was the instrument by which the richest ran it; where the fracture came, exactly as the framework predicts, from the one group with standing and means that the settlement had stopped paying; and where the default reached a form this collection has not seen before, in which the beneficiaries invited the power that would destroy the country in order to preserve the arrangement

The problem, restated from the other end

Every solution this method has catalogued is an apex's answer to one difficulty: a centre needs capable men to exist at all, and the same capacity that makes a man useful is what would let him replace the centre. Export the surplus, prevent it forming, rotate it before it roots, fragment it against itself, buy it, or sit down in a chair the last conqueror built — six families, all of them things a ruler does to a claimant class.

The Commonwealth cannot be read that way, and the failure to fit is the finding rather than an obstacle to it. Here the claimant class was not managed by a centre. It managed the centre, and its answer to the danger of a strong apex was to ensure the apex was never worth capturing.

Ask whether that worked, and the honest answer is that by the measure this method actually uses, it worked extremely well for a very long time. The open problem is dangerous because unresolved elite competition tears an order apart — a disputed succession, a general who marches on the capital, a faction that opens the gates to a foreign army. Set the Commonwealth beside its contemporaries on that test. France had eight wars of religion and then the Fronde. England killed a king. The Empire lost a quarter to a third of its people in thirty years. Muscovy had the Time of Troubles. The Commonwealth, across the same period, had three armed noble risings against its kings — 1537, which ended in the eating of the local poultry; Zebrzydowski's of 1606 to 1609; and Lubomirski's of 1665 to 1666 — all of which ended in settlements, and none of which produced a usurper on the throne. No Polish king was deposed by force. No magnate ever seized the crown.

The arrangement solved the problem it was designed around. What it could not do was anything else. That is the trade, and this module is about how it was constructed, who it paid, and what finally broke it.

The instrument, and what it actually did

The constitutional root is the Radom constitution of 1505 — nothing new to be established without the common consent of the councillors and the land deputies. For a century and a half that meant consensus in the ordinary parliamentary sense, and sejms passed laws.

The hardening is usually dated to 1652, and the standard account needs correcting in a way that sharpens rather than softens it. When the Lithuanian deputy Władysław Siciński objected at the sejm of that year, what he objected to was the proposal to extend the session beyond its statutory six weeks; he then rode home so that nobody could argue him round, and the marshal, Andrzej Maksymilian Fredro, ruled that the objection stood. The legislation already passed remained in force. He did not dissolve the sejm's work; he established that one man's refusal, unwithdrawn, ended the proceeding.

The escalation from that to the mature instrument took a generation and can be dated. In 1669 at Kraków a sejm was broken before it had finished deliberating, by the Kyiv deputy Adam Olizar. In 1688 a sejm was dissolved before the marshal had even been elected — before, that is, the body existed. And the practice acquired its lethal form, sometimes distinguished as *liberum rumpo*, in which the breaking of a session annulled everything the session had already done. That is what turns a veto into an instrument. A power to block a bill is a brake. A power to erase a completed session's work is a threat that hangs over every hour of it.

The figures are estimates and vary by counting rule, and are given here as ranges. Under John III Sobieski, from 1674 to 1696, something like half of sejm proceedings were broken. Across roughly two centuries the sejm met on the order of a hundred and fifty occasions, of which about fifty produced no legislation at all. Between 1717 and 1763 something like fourteen sejms concluded successfully. Under Augustus III, from 1733 to 1763, essentially every session was broken except the coronation sejm.

Who benefited, and the answer is systematic

The guide this study inherited posed the right question — who benefited from a centre that could not act, each time it was made unable to act — and expected the

answer to be case-by-case. It is not. It is structural, and the mechanism is the single most important thing in this module.

Breaking the sejm did not create a vacuum. It performed a transfer.

The Commonwealth was divided into something like fifty lands, each with its own assembly. Those assemblies handled taxation, local officers, judicial business, the militia, and a growing share of what a central government would otherwise do. And — this is the operative fact — **the sejmiks did not require unanimity, and they went on functioning perfectly well during the decades in which the national sejm was paralysed.**

So when a deputy rose and refused, the business did not vanish. It fell to the regional assemblies. And the regional assemblies were, by the later seventeenth century, controlled by magnates through their clients. The historian Antoni Mączak's formulation is the one to hold: the Commonwealth was transformed from a confederation of lands whose delegates sat in parliament into a de facto confederation of magnate estates whose owners sat in the Senate and controlled the regional assemblies through their clients.

Read the instrument through that and it stops being anarchy and becomes policy. **The veto moved competence from a body no single magnate could control to fifty bodies that magnates could and did control.** Whoever's power was regional benefited from the paralysis of the centre, every single time, whatever the ostensible question before the house. He did not have to conspire with anyone. He did not have to like the deputy who did it, or share his confession, or know his name. He needed only to prefer that decisions be taken where he was strong rather than where he was one voice among many — and every magnate in the country preferred that, permanently, about everything.

And there was a second class of beneficiary, which arrived later and paid cash. From the late seventeenth century, Russia, Prussia, France and Sweden all discovered that a single purchased deputy could stop the Commonwealth doing anything, and that this was the cheapest instrument of foreign policy available in Europe. A great power could not have bought the French Estates-General or the English Parliament. It could buy one Polish nobleman.

The default, link by link

The manual requires the chain to be audited at every link with one question: does this man, in defending his own position, thereby defend the whole arrangement? Here it is.

The magnate. A centre that cannot act leaves him sovereign on his own ground, keeps his private army lawful, keeps taxation off his estates, keeps his courts unappealable, and makes him the only address at which a lesser man can obtain anything. Defends the arrangement completely, and would be worse off in every particular without it.

The middle nobleman with a village or two. His exemption from tax, his immunity from arrest without a verdict, his jurisdiction over his own subjects, his vote at the sejmik and his eligibility for office all rest on the same body of privilege. He defends the arrangement, and he defends the veto with particular fervour, because the veto is the specific guarantee that no majority — not the king's, not the magnates' — can ever take any of it from him. Ask him why he will not let the sejm be reformed and he will tell you, correctly, that an assembly which can act by majority is an assembly that can strip him.

The landless nobleman, the *gołota*. He owns nothing whatever except membership of the estate. He cannot hold office in practice, has no land to be taxed, and lives — the Polish terms are exact about it — as a renter, a household servant in a magnate's court, or a man of the pavement doing whatever comes. And he has one asset with a market price: his vote at the sejmik. He sold it, and he served in the private armies, and he was the most ferocious defender of noble privilege in the country because privilege was the whole of his property.

Hold that link a moment, because it is the most elegant and the most vicious thing in the arrangement. **The poorest member of the privileged estate was the mechanism by which the richest controlled it.** The magnate did not need to overrule the sejmik; he needed to own enough of the men in it, and the men cheapest to own were the ones whose only possession was the thing being voted with. Every defence of noble equality by a man with nothing was simultaneously a transfer of power to a man with everything. Nobody designed that. It is what the settlement's two features — legal equality among nobles, and no property qualification for the vote — produce when they run for two centuries in a country where land concentrates.

The king. Elected; bound by articles sworn before coronation; without a standing army worth the name; dependent for revenue on the men he would have to coerce. He could not defect from the arrangement because he had no base outside it. The one attempt to build public support for changing it — the newspaper of 1661 — lasted forty-one numbers.

The Church. Its bishops sat in the Senate, were drawn from the szlachta by the statute of 1496, and held their estates on the same terms as everybody else's. Defends the arrangement.

The Jewish communities. Here the answer is genuinely ambiguous and the ambiguity is structural. Their charters, their self-government and their leases all ran through the same private jurisdictions that the arrangement protected; a strong centre would have been a different and not obviously better proposition. But the protection was a magnate's protection, worth exactly what his presence was worth on the day, and in 1648 it was worth nothing.

Below that line — the peasant, the burgher of a private town, the townsman shut out of land and office since 1496, the unregistered Cossack — every one of them would have been better off if the arrangement collapsed. And not one of them had both standing and means.

Except one.

The fracture: standing, means, and no benefit

This method holds that structural change comes from inside the hierarchy — from fracture, exhaustion, conquest, or a surplus of claimants the settlement never seated — and that the group to watch is one with standing and means that has stopped being paid. The Commonwealth supplies that group with unusual clarity, and then supplies a single biography in which the whole mechanism is legible.

The Cossack officer class had **standing**: registered Cossacks stood outside the ordinary local jurisdictions, under an elder appointed by the government, with commissions that came from the crown. They had **means**: an army with its own artillery, its own tactics, its own command structure, which had fought at Khotyn in 1621, campaigned in Muscovy, and raided Ottoman ports. And the settlement paid them in a number on a piece of paper that a distant sejm could alter at will — three hundred in 1572, five or six hundred in 1578, expanded when there was a war and cut sharply afterwards, most severely after the risings of the 1630s. Every reduction of the register converted a soldier into a serf by administrative act, without anybody moving.

And then there is Bohdan Khmelnytsky, whose case reads like the proposition written out as a life.

He was a registered Cossack and a *sotnyk*, captain of the Chyhyryn company. He had served in the wars, met the French ambassador at Warsaw in 1644, and joined a Cossack delegation to Władysław IV in 1646, when the king wanted Cossacks for a campaign he never launched. He held an estate at Subotiv, which he had built into a fortified homestead, and in 1646 he obtained from the king a royal charter confirming his title to it.

In 1647 Daniel Czapliński, deputy *starosta* of Chyhyryn, acting in the interest of the Koniecpolski family, raided Subotiv, seized the movable property, disrupted the estate

and evicted his household; Czapliński's men beat Khmelnytsky's young son at the market place, and the accounts differ on whether the boy died of it. There was a woman in it too, over whom the two men were rivals, and the belletristic tradition has made a great deal of her; this study sets her aside not because she is unimportant but because she is not the structural fact.

The structural fact is what happened next. Khmelnytsky went to the local court. He went to the Senate. He went to the king who had given him the charter. He obtained nothing at any stage. The king could issue a title and could not enforce it against a magnate's deputy in a magnate's country.

That sentence is the arrangement described from underneath, and it is the same sentence that has appeared in three earlier modules wearing different clothes. The crown could not reach a printing press on a nobleman's ground without suing the nobleman. It could not hear a peasant's complaint against his lord after 1518. It could not collect a duty on a nobleman's grain. And it could not enforce its own charter for a Cossack captain against the interest of the Koniecpolskis. The jurisdiction of the Polish state stopped, in every direction, at the point where a magnate's interest began — and the men it thereby failed included one with three to five hundred armed followers.

He left for the Zaporizhia at the end of December 1647 and was elected hetman in January 1648.

Two guards belong on that reading and the module needs both. The first is against romance: he did not rise as a peasant, and the peasantry that joined him in enormous numbers was fuel he lit rather than the author of anything — which is exactly what this method says to expect, and the guide this study inherited was right to be suspicious of how much the framework wanted that answer. The second guard is against the opposite error: the mass that followed him was not incidental either. The *slobody* had matured, the register had been cut, the Union of Brest had delegitimised their church, and the reason the rising did not stop at a Cossack mutiny is that it fell into a countryside where every one of those clocks had run out. The officer supplied the standing and the means. The country supplied the numbers, and it had its own reasons, counted in Module 5.

The default's final form

Which brings the module to the fact it is named for, and which this collection has not previously encountered.

In 1717 the Commonwealth, emerging from a civil war between Augustus II and the Tarnogród Confederation, ratified at a one-day sejm the treaty negotiated the previous November. The terms capped the armed forces at twenty-four thousand —

eighteen thousand for the Crown, six for Lithuania — provided their funding, sent the king's Saxon troops home, restricted the nobility's right to form confederations, left the veto standing, and named the tsar of Russia as guarantor of the agreement.

One correction is owed here, and it revises something this study said earlier. The familiar picture of that session — the chamber ringed by Russian troops, the ambassador Dolgoruki dictating, nobody permitted to speak but the marshal — is treated by recent Polish scholarship as a false narrative that has become established even in the specialist literature: on that account Dolgoruki was excluded from the final negotiating sessions and from the drafting, his interventions were ignored, and the laws were passed on 1 February without a Russian military presence. Other accounts retain the troops. Module 3 of this study used the stronger version and should be read with this correction attached; the disciplined statement is that the session was silent by prior agreement to prevent a single deputy from breaking it, that it followed a treaty mediated by Russia, and that the extent of direct Russian coercion in the chamber itself is disputed.

The guarantee is not disputed, and the guarantee is the point. From 1717 a foreign monarch was the underwriter of the Polish constitution. Catherine II later positioned herself explicitly as the guarantor of the Golden Liberty, and meant it, because the liberty she was guaranteeing was the thing that kept the Commonwealth incapable. And in May 1792, when the constitution of 3 May threatened to abolish the veto and strengthen the executive, a group of magnates including Stanisław Szczęsny Potocki and Seweryn Rzewuski formed the Targowica Confederation, protesting the erosion of noble privilege and appealing to the Empress of Russia to restore the old order.

Understand what that is before condemning it, because condemnation obscures the mechanism. Those men were doing precisely what the default had trained every member of the arrangement to do for two hundred and eighty years: defend your own position, and the whole is thereby defended. The instrument they reached for — the confederation, the appeal to the guarantor of the constitution — was lawful, was the constitution's own procedure, and had been used before. They were not confused about what Russia was. They had simply arrived at the point where the only remaining way to preserve the arrangement was to invite in the power that would end the country, and the arrangement was the thing every one of them had been formed, since childhood, to regard as identical with the country.

A default is normally described as the reason an order holds together. This is the same mechanism observed at the moment it holds an order together past the point of its survival.

Classifying the case

The manual requires an explicit Menu classification, and this case does not fit any of the six.

It is not *Export*: there was an outlet — the frontier — but it discharged the surplus into an armed community outside the order rather than into its service, which is the opposite of what the family describes. It is not *Prevent*: no attempt was made to stop a claimant class forming, and the claimant class was ten per cent of the population. It is not *Rotate*: offices were held for life and the law of avoidance had no analogue. It is not *Co-opt* at the centre: Module 2 established that the crown had nothing to co-opt with, because the szlachta's land was allodial and its title did not come from the king. It is not *Assume the chair*: there was no conquest and no incumbent apparatus to enter.

Divide and balance is the nearest and it does not fit either, for a reason that matters. Divide-and-balance is **an apex fragmenting power on purpose so that no claimant can consolidate**. In the Commonwealth nobody at the apex did the fragmenting. The claimant class fragmented the apex, and did so against the apex's continuous resistance — every king from Sigismund Augustus to Stanisław August tried to reverse it and every one failed.

So this study proposes a seventh family, and states it plainly as the contribution the case exists to make.

Disable the centre. The open problem — that capable men who serve a centre could replace it — is answered not by the centre managing its claimants but by the claimants ensuring the centre is not worth taking. Strip the apex of revenue, of an army, of appointment, of jurisdiction and of the power to make law without unanimous consent, and the prize disappears. Nobody marches on a capital that holds nothing. Nobody buys a throne that confers nothing. The elite competition that destroys other orders simply has no object.

Three preconditions appear to be required, and all three are visible in the earlier modules of this study. The claimant class must already hold the floor of force, so that the centre cannot resist the stripping. The settlement must be **allodial** — the claimants' wealth must not derive from the centre's grant — because otherwise the centre can bind them by re-sourcing their title. And the claimant class must be numerous enough that no one member can take the centre either, which is what the szlachta's extraordinary size supplied and what distinguishes this case from an ordinary magnate oligarchy.

Where those hold, the answer is available, and it is extremely durable: two and a half centuries with almost no internal bloodshed over the succession, in a period when every neighbouring order convulsed.

And its characteristic failure mode is not the failure mode of any other family on the card. The other six fail from the inside — the *devshirme* corrodes into heredity, the co-opted retinue revolts, the exported surplus comes home when the frontier closes. Disable-the-centre does not fail from the inside; that is the whole point of it. It fails **from the outside**, for two linked reasons. The same arithmetic that prevents any internal party from consolidating prevents the whole from concentrating force against an external one. And the arrangement is so convenient to neighbours that they will subsidise its preservation — which means the order's decay is not resisted but funded, and arrives with the beneficiaries' consent and by their invitation.

Reading the default against the framework

The principal contribution is the seventh family, stated above with its preconditions and its distinctive failure mode. It is offered as an addition to the card rather than a refinement of an existing entry, because it inverts the card's point of view: the first six are things an apex does to a claimant class, and this is a thing a claimant class does to an apex. Any case in which the elite is numerous, armed and allodially wealthy should be checked against it.

Second, the veto is a transfer instrument and should be classified with decentralising devices rather than with obstructive ones. The question "who benefited from a centre that could not act" has a systematic answer, not a case-by-case one: **whoever's power is local benefits from the paralysis of the centre, on every occasion, regardless of the issue** — because the business does not disappear, it descends, and it descends to bodies that do not require unanimity and that a local magnate can control. The general instruction: **where a unanimity rule paralyses a central body, do not record a vacuum; find the level to which the competence fell and identify who runs it. The rule was almost certainly adopted by the people at that level.**

Third, a mechanism this collection should carry: the poorest member of a privileged estate is the instrument by which the richest controls it. Legal equality within an estate, plus a vote with no property qualification, plus two centuries of land concentration, produces a class of men whose only asset is the privilege being voted with and who will therefore both defend it most fiercely and sell it most cheaply. **The intensity with which a group defends an arrangement is not evidence that the arrangement serves it; it may be evidence that the arrangement is all it has.**

Fourth, proposition 21 is confirmed in an unexpected direction. That proposition holds that insulation installed against a rival ends by protecting the insulated component from its owner. The insulation here — the free election, the veto,

the right of confederation — was installed by the szlachta against the king. It ended by protecting the arrangement from **the szlachta itself**: no majority of noblemen could reform it either, which is why every reform movement from the execution movement of the 1560s to the Great Sejm had to work around the constitution rather than through it, and why the one that succeeded, in 1791, had to be passed at a moment when its opponents were absent. The insulated component was the constitution, and by the end it was protected from everybody, including the people it belonged to.

And fifth, on fracture, the framework's prediction holds and can be tightened. Structural change came from a group with standing and means that had stopped being paid — the Cossack officers — and its trigger was one man's discovery that the state's writ did not reach the man who had robbed him. The tightening is this: **in an order whose jurisdiction stops wherever a magnate's interest begins, the dangerous person is not the one with the most grievance but the one whose grievance is legally valid and practically unenforceable.** Khmelnytsky's charter was genuine, royal, and worthless. A man who is simply oppressed knows where he stands. A man holding a valid title that the state cannot honour has been shown, in one transaction, exactly how much the arrangement is worth — and if he has three hundred men, he will act on the information.

A note on sources. No primary text is quoted in the original in this module, and the standing defect recorded since Module 2 is now at its most serious, because the load-bearing instruments here — the *Nihil novi* constitution of 1505, whose Latin was quoted in the Landscape and is the root of everything in this module; the constitutions of the sejm of 1717; and the act of the Targowica Confederation of May 1792 — are precisely the drafting this method insists on reading. Recovering the 1717 constitutions and the Targowica act from the *Volumina Legum* is the first task before this study is completed. The formula *nie pozwalam* is given as the institution's standing formula and is not attributed to Siciński's mouth, since the accounts of 1652 describe an objection to an extension rather than a recorded phrase. Contested or approximate, and given as ranges rather than resolved: the count of broken sejms, given as about half of proceedings under Sobieski, about fifty of some hundred and fifty sessions across two centuries, about fourteen successful sejms between 1717 and 1763, and essentially all sessions broken under Augustus III except the coronation sejm — figures which vary by counting rule and by source and none of which has been independently verified here; the number of lands with their own assemblies, given as around fifty and elsewhere as at least sixty-eight particular sejmiks, the discrepancy reflecting different definitions rather than a factual dispute; the size of magnate private forces, given as up to two thousand for a Potocki and up to ten thousand for a Radziwiłł by 1750; and the

death of Khmelnytsky's son, which some accounts state and others qualify. Explicitly disputed and flagged as such, with a correction to Module 3 of this study: the conduct of the Silent Sejm of 1 February 1717, where recent Polish scholarship holds the picture of Russian troops surrounding the chamber and Dolgoruki dictating terms to be a false narrative, and holds that Dolgoruki was excluded from the final sessions and that the laws passed without Russian military presence, while other accounts retain the troops; this study now treats the Russian guarantee as established and the direct coercion in the chamber as disputed. Modern scholarship paraphrased and credited: Antoni Mączak, for the formulation that the Commonwealth became a de facto confederation of magnate estates whose owners controlled the regional assemblies through their clients, and the recent economic-history work that develops it, including the finding that the sejmiks required no unanimity and remained operational throughout the sejm's paralysis; the Polish parliamentary-history literature on Siciński, Fredro and the sequence 1652–1669–1688; the Stanford study of the Khmelnytsky narratives, which is explicit about the belletristic embellishment of the Czapliński affair and is followed here in setting it aside; the *Encyclopedia of Ukraine* for Khmelnytsky's offices, charter and appeals; and the recent Polish reassessment of the Silent Sejm published through the Polish History portal, for the correction recorded above.

NO LANDED MAN OF THE LAND

Module 9 · Plurality or Foreclosure — the case with the strongest legal protections against the state anywhere in Europe and none whatever against the lord; where every liberty can be traced to a named factional bargain; where the clause that founded the estate's immunity names its beneficiaries explicitly while the maxim it is remembered by says "nobody," and it was the maxim that survived to be picked up three and a half centuries later; and where the one occasion on which men below the nobility were let in happened in the eighteen months when a faction above them needed their weight

What liberty meant here, and what it was liberty from

Begin with the catalogue, because the catalogue is real and this module will not be able to dispose of it.

A member of the Commonwealth's noble estate could not be arrested without a prior judicial conviction. His property could not be confiscated without one. No new law could bind him without the consent of the assembly he elected. No tax could be laid on him without that consent. He could not be called out for war without his local assembly agreeing. He elected the head of state, and the head of state swore, before coronation, that if he broke the terms his subjects were released from allegiance. He could not be punished by the state for his confession, whatever it was. He could combine with others, in arms, against the government, lawfully. He could speak in his assembly without limit, and the surviving instructions show that he did.

That is a stronger schedule of protections than any subject of Louis XIV, Frederick William or Peter enjoyed, and it was not a paper schedule. Kings were held to it — Henry of Valois had to swear it before he was crowned, and the one king who tried a coup against it, Augustus II, ended by conceding at the sejm of 1717. This method's rule, following Thompson, is that law cannot legitimate unless it genuinely constrains, and here it genuinely constrained. It should not be described as rhetoric.

Now read the list again and notice what every item on it has in common. Each is a protection **against the centre**. Not one is a protection against a private jurisdiction. There is no clause anywhere in the Commonwealth's constitutional corpus limiting what a man may do to the people on his own land.

The reason is not oversight. The men who wrote this vocabulary were themselves the private jurisdictions. Liberty in the Commonwealth was defined as freedom from the state because the definers were the state's only rival, and a language built by one

party to a two-party fight contains no words for the wrong the other party is not committing. When the same estate had finished writing its protections against the crown, it had also — using several of the same instruments and in some cases the same sessions — removed the crown from between itself and everybody beneath it.

Which yields the sentence this module exists to establish, and it is worth putting early because everything else in it is evidence for the sentence. **A protection against the state is not a protection at all for anybody who has a private jurisdiction standing between himself and the state.** The peasant on a noble's estate after 1518 did not benefit one atom from the fact that his lord could not be arrested without a verdict. He was harmed by it, because the same body of law that made the lord unreachable by the king made the lord unappealable by him.

The clause and the maxim

Here is the finding the module is named for, and it turns on a difference between what an instrument said and what it came to be called.

The immunity from arrest without judgment was granted by Władysław Jagiełło across a sequence of instruments — an attempt at Brześć Kujawski in April 1425 that did not take effect, then Jedlnia on 4 March 1430 and Kraków on 9 January 1433 — in exchange for the szlachta's assent to the succession of one of his sons. Its principle is transmitted in the legal literature in this form:

> *Nullum terrigenam possessionatum capiemus, nisi judicio rationabiliter fuerit convictus.*
>
> *We shall arrest no landed man of the land unless he has first been reasonably convicted by judgment.*

That clause names its beneficiaries twice over. *Terrigena* — a man of the land, a member of the territorial estate. *Possessionatus* — possessed of property. It is not a statement about persons. It is a statement about a class, drafted by that class, with the boundary written into the grammar.

And the thing it is remembered by, then and now, is:

> *Neminem captivabimus nisi iure victum.*
>
> *We shall imprison no one unless defeated at law.*

Neminem. No one. The Landscape module of this study already recorded that at least one Polish scholarly account holds that this phrase does not appear in the Jedlnia

instrument at all, and that the maxim crystallised afterwards out of the provisions rather than standing at their head. Set the two forms side by side and the mechanism is visible: **the clause was drafted particularly and the maxim was coined generally.**

Nobody was deceived. A tag is chosen for its dignity, and a Latin sentence that says *we shall imprison no one* is a finer thing to have on your side than one that says *we shall imprison no landed nobleman*. The generality entered through vanity, not through argument, and it entered the culture rather than the statute book. For three hundred and fifty years it made no difference whatever.

Then, in 1791, a faction that needed allies reached for it — and what it reached for was the maxim, not the clause.

Reading the catalogue for what it does to combination

This method's instruction is to read a rights catalogue not for what it grants an individual but for what it does to combination, and the Commonwealth returns the clearest answer in the collection. The whole social order can be read off one variable: **who may lawfully assemble and combine, and on whose licence.**

The nobility could combine *in arms*, against the government, by constitutional right — the confederation, and its hostile form the *rokosz* — and that right was written into every king's coronation oath from 1576. No licence was required and none could be withdrawn.

The peasantry could not combine at all. Combination was rebellion, judged by the lord's own court, and the punishments this study has already counted were administered without appeal.

The burghers could combine within a guild, on terms; they had been barred from national office and from land by the statutes of 1496; and when they finally combined nationally, in November 1789, the scholarship describes the event as unprecedented in Polish history — which is a statement about three centuries in a single adjective.

The Jewish communities could combine on a licence, and did so more elaborately than any other body in the country. The licence was withdrawn by statute in 1764, when the sejm decided to collect the poll tax by a different method.

The Cossacks could combine on a licence which took the form of a number, and the number was adjusted by a distant assembly; every reduction converted armed men into serfs by administrative act.

Five groups, five answers, and the difference between them is not a difference of doctrine or of belief. It is the difference between a right and a licence, and between a licence that can be revoked and one that cannot. **Where an elite's characteristic**

liberty is armed association, the position of every other group in the order is fully specified by the terms on which it is permitted to assemble.

The suspension clause, inverted

This method holds that a suspension list is the most candid clause in a constitution. The Commonwealth had no state of emergency, because it had no state capable of declaring one — and the absence turns out to be more candid than any list.

What it had instead was the inverse instrument. The confederation was a lawful suspension of the ordinary constitution, declared **by subjects**, and it carried one feature that decided the Commonwealth's history: **a confederated sejm decided by majority.** The veto did not apply.

Read that and the consequence is stark. From the later seventeenth century onward, the only way to make the Commonwealth's legislature work was to suspend the Commonwealth's constitution. The Great Sejm sat as a confederated sejm, which is why it could pass anything at all; the Constitution of 3 May 1791 was carried under that suspension, at a session its opponents were largely absent from. And thirteen months later, in May 1792, the Targowica Confederation used the identical instrument — lawful, constitutional, previously used by the reformers — to declare the constitution void and to invite the guarantor to enforce the declaration.

Where a constitution supplies an equal and lawful route to setting itself aside, it has guaranteed that whoever uses the route last will prevail — and the last party will be whichever one has an outside patron. That is the most candid thing about this constitution and it is not written anywhere in it.

Where the residue came from: the fights, named

The instruction is to trace each protection to the factional fight that produced it, and in this case every one can be dated and the counterparty named.

1374, Koszyce. A king with two daughters and no son needs a female succession. The counterparty is the knighthood, which can refuse. Price: the land tax, the castle works, the purveyance, and offices reserved to Poles.

1430 and 1433, Jedlnia and Kraków. A king whose title to Poland came by marriage needs his son accepted. Price: the immunity from arrest and from confiscation without a verdict.

1454, Cerekwica and Nieszawa. A king with a war on his hands finds his levy assembled and unwilling to march. Price: no new law, no new tax, no general levy without the consent of the local assemblies.

1505, Radom. This one is a fight *inside* the estate, between the deputies in the chamber and the magnates in the Senate, following the Senate's attempted coup at Mielnik four years earlier. The deputies win, and the residue — nothing new without the common consent of councillors and deputies — binds both parties permanently.

1573, Warsaw. A confessionally divided estate, with no king, five months after the killings in Paris, and a French prince the leading candidate. Price: a mutual promise not to shed blood over faith and not to lend the state a hand in doing so — with the reservation clause, read in Module 3, preserving the lord's power over his own subjects entire.

1573, Kamion field. The same estate against an incoming foreign monarch. Price: the articles, including the release from obedience.

In every case the general principle is stated exactly as far as is needed to bind the counterparty and no further. That is not cynicism; it is what drafting is. And it is why nothing accreted downward for four centuries: at no point in any of those fights did either party need anybody below the noble estate.

Until once.

The one time somebody below the line got in

The occasion is precisely dated and its mechanics are fully documented, which makes it the best test in this study of what it takes.

By 1788 a reform party had formed inside the hierarchy — the king, the Czartoryski connection, Ignacy Potocki, the sejm marshal Stanisław Małachowski, and the publicist Hugo Kołłątaj — facing a magnate opposition backed by Russia, in a state that had lost a third of its territory sixteen years earlier. They were bargaining from weakness against opponents with a foreign patron, and they needed weight.

The burghers supplied it, and they supplied it deliberately. On Kołłątaj's prompting and at the summons of the city government of Old Warsaw, whose president was the merchant Jan Dekert, delegates of nearly two hundred cities and towns converged on the capital in November 1789 and signed an Act of Unification of the Cities. On 2 December some two hundred and ninety-four representatives of a hundred and forty-one royal towns, dressed in black in conscious imitation of the Estates-General at Versailles the previous year, walked from the town hall to the Royal Castle and handed the king a memorial. Małachowski, the marshal of the sejm, was the movement's patron. Several hundred tradesmen were ennobled in the following months.

The Law on Free Royal Cities of 18 April 1791, incorporated a fortnight later as Article III of the Constitution, gave the burghers of royal towns municipal self-government, exemption from the nobles' courts, the right to purchase landed estates,

access to offices and to army commissions, deputies to the sejm with a voice on urban questions, and personal immunity from arrest without a verdict — *neminem captivabimus*, the maxim, applied at last to somebody it had never named.

And in the same settlement, the landless nobility was excluded from the sejmiks.

Read the trade with the arithmetic in front of you. Roughly half the noble estate was disenfranchised; on the usual estimate around half a million burghers were substantially enfranchised. The men stripped of the vote were the men who had been selling it to magnates for two centuries. The men admitted were the men whose interests ran with the reform party. **This is not a moral advance being conceded to a case that had finally been made; the case had been just and unanswered for three hundred years. It is a constituency being exchanged, in the middle of a fight, by people who needed to win it.**

Both things are true and the module must hold both. It was an exchange of constituencies. It was also the largest single extension of enforceable legal protection to non-nobles in the Commonwealth's history, it was genuine, and the people who received it were not fools about how they had got it — they had organised, marched and petitioned precisely because they could see a faction that needed them.

The peasants, who had no weight to offer anybody, received Article IV:

> *Both from justice, humanity and Christian duty, as from our own self-interest properly understood, we accept under the protection of the law and of the national government the agricultural folk … and we determine that henceforth whatever liberties, assignments or agreements squires authentically agree to with peasants of their estates … shall constitute a mutual obligation … subject to the protection of the national government.*

That is given from a published English rendering; the Polish has not been verified against a primary reproduction for this module. What it does is make a lord's voluntary agreement with his peasants enforceable, and place the peasantry under the government's protection in a general sense. What it does not do is end serfdom, reduce an obligation, restore an appeal, or give anybody a court. It is the residue of a fight that nobody with means was fighting, and it reads exactly like one.

A liberty delivered by an enemy

One further case belongs here because it complicates the picture in a way the framework should absorb.

The rights of religious dissenters — to hold office and to worship — had been legislated away in 1717 and 1733. They were restored in 1767 and 1768, at a sejm held

under Russian pressure, as an instrument of Catherine's policy: the grievance of a minority used as the lever by which a foreign power obtained a standing right of intervention in the Commonwealth's internal affairs. The right itself was genuine and the people who received it had been genuinely wronged.

What followed is the point. Delivered by that hand, in that manner, the right became a badge of treason. The Bar Confederation formed against it. Toleration, which had been the Commonwealth's own instrument since 1573, was converted in a single session into a foreign imposition, and the Great Sejm two decades later had to restore the same rights again, on its own authority, in order to launder them.

A right conferred by an outside power for that power's purposes is discounted by the recipients' countrymen at the value of the giver's motive, and can be worth less than nothing to the people who hold it. The Commonwealth's dissidents were made less safe by being protected.

Reading the liberty variable against the framework

The principal contribution is a correction to the proposition about where unattached general principles come from — and the correction is not the one this study expected. The guide it inherited predicted that a faction which wins outright will state its interests as particular privileges rather than general principles, so that nothing accretes for anybody else to pick up. The drafting confirms the prediction exactly: *nullum terrigenam possessionatum capiemus* names its beneficiary class twice in four words, and the statutes of 1496 removed rights from burghers and peasants in the same session that conferred them on nobles, which is the opposite of generalisation.

But the thing that survived to be picked up in 1791 was not the clause. It was the tag — *neminem captivabimus*, we shall imprison no one — which said something the instrument did not, and which had been coined by the winners themselves, for their own dignity, and repeated for three centuries until it was the name of the thing.

So the standing proposition survives with a condition attached, and the condition is worth carrying: **an unattached general principle need not come from a lost fight. It can come from the winner's own shorthand — because a maxim is chosen for how it sounds and a clause for what it does, and it is the maxim that enters the culture and stays available.** Vanity generalises what the drafting particularised. When a later faction needs a principle to hand to a new constituency, it will find one already lying about, in a more generous form than anybody ever enacted, put there by the very people who meant to exclude everybody.

Second, the proposition about combination is confirmed at maximum strength and can be sharpened into a reading instrument. Across five groups the

Commonwealth's whole social order resolves into one variable: a right of armed association for the nobility, and for everyone else a licence to assemble held at somebody's pleasure — the register, the kahal, the guild, the parish — each revocable, and each revoked on a dated occasion with consequences this study has counted. **In an order whose elite's characteristic liberty is armed association, do not inventory what other groups are permitted to do; inventory the terms on which they are permitted to gather, and note who may cancel each licence and what happened when they did.**

Third, on the suspension clause. The Commonwealth had none, and instead had its inverse: a lawful, subject-initiated suspension of the constitution which — decisively — allowed the legislature to act by majority. Both the constitution of 3 May 1791 and its destruction thirteen months later were carried by the same instrument. **Where a constitution provides a lawful and symmetrical route to setting itself aside, it has guaranteed that the last party to use the route wins, and the last party will be the one with an outside patron.**

Fourth, and this is the operational instruction for the corpus. Where anyone below the settlement's line is admitted, do not look for the merits of their case and do not look for a change of heart. Look for the eighteen months in which a faction above them was losing a fight and needed weight. The Warsaw burghers' case had been unanswerable since 1496; what changed in 1789 was not the case but the arithmetic in the chamber. And expect the admission to arrive in a package that adjusts the electorate in the reformers' favour — here, half a million burghers enfranchised in the same settlement that disenfranchised half the noble estate, which was also the half that voted as its patrons told it.

And the verdict on the question this module exists to answer. There was liberty in the Commonwealth. It was legally enforceable, it constrained kings in fact and not only on parchment, and it was enjoyed by a larger fraction of the population than in any comparable state. It was also, in its precise construction, the reason nine-tenths of the country had no protection at all — because every clause of it was aimed at the centre, and the centre was the only thing that could ever have stood between a subject and the man who owned the ground he lived on. **The Commonwealth is the collection's clearest demonstration that liberty defined exclusively as freedom from the state is not a partial liberty for those below. It is their disability, written in the same hand and often in the same session.**

A note on sources. Quoted in Latin: the immunity formula *nullum terrigenam possessionatum capiemus, nisi judicio rationabiliter fuerit convictus*, and the maxim *neminem captivabimus nisi iure victum*. Both are given as transmitted in the Polish

legal-historical literature, which attributes the first to the instruments of 1425–1433; neither has been verified against a reproduction of the primary instrument for this module, and the whole argument of the section that turns on the difference between them therefore rests on that literature and should be checked against the *Volumina Legum* before this study is considered finished. This is the single most important outstanding verification in the study. Quoted in translation, from a published English rendering, with the Polish not verified: Article IV of the Government Act of 3 May 1791. Contested or approximate: the numbers at the Black Procession, given as some two hundred and ninety-four representatives of a hundred and forty-one royal towns, with other accounts giving delegates of nearly two hundred cities and towns converging in November and a hundred and forty-one signing; the figure of about half a million burghers enfranchised and about half the noble estate disenfranchised, both of which are the standard estimates and neither of which is independently verified here; and the date of the Black Procession, given as 2 December 1789. Modern scholarship paraphrased and credited: Juliusz Bardach and the standard Polish constitutional-history literature for the transmission of the immunity formula; the scholarship on the Great Sejm and the burgher movement, including the Project MUSE volume on constitution and reform in eighteenth-century Poland, for Dekert, Kołłątaj, Małachowski and the Act of Unification; and the Polish History portal's assessment of the 3 May Constitution, which is followed here in treating Article IV as a genuine and deliberately incremental step rather than as either a liberation or a fraud. Where this module makes a negative claim — that no clause anywhere in the Commonwealth's constitutional corpus limits what a proprietor may do on his own land — it is an inference from the absence of such a clause in the literature consulted, and is offered as such.

THE ACT WAS PREDATED

Module 10 · Change and Collapse — the case in which the floor was never assembled and therefore could not crack, so that the question inverts: what repriced the taking; a fracture that came from a dispossessed officer class and is provable from what its treaties asked for; an exhaustion that killed by armies rather than by the failure of granaries, because the order had almost nothing to withdraw; a reform made by a king and a magnate faction and destroyed by another magnate faction; and an invasion that required not consent but paperwork, which its author drafted in St Petersburg and backdated

The question has to be turned round

This method asks, of every ending, which crack opened the floor of force — fracture, exhaustion, conquest, or a surplus of claimants the settlement never seated — and then asks when the cost column emptied, meaning the moment at which the credible expectation of organised violence against a defector ceased to be credible.

Neither question can be put in that form here, because the Commonwealth never assembled a floor to crack. Organised violence was distributed among five hands from the first day of the union and remained so; the crown's professional army was some three and a half thousand men in the sixteenth century and was capped by statute at twenty-four thousand in the eighteenth; and the cost column for the ordinary subject had been filled, since 1518, by a private jurisdiction rather than by the state.

So the question must be turned round. This order was not held together by a floor that broke. It was consumed, over a century and a half, by neighbours; and what has to be established is not what cracked the holding but **what repriced the taking** — what changed in the cost-benefit calculation of the parties doing the consuming, and when.

The answer is two curves crossing, and the crossing point is unusually easy to date, because in this case it was legislated.

The first crack: fracture, 1648

The fracture has already been established in this study and is restated here in the form the argument needs. A group with standing and means stopped being paid: the Cossack officer class, whose commissions came from the crown, whose army had fought at Khotyn and in Muscovy, and whose payment was a number on a register that a distant assembly cut whenever the fighting stopped. And a particular officer, holding

a royal charter for his estate that the state could not enforce against a magnate's deputy, went to the Sich at the end of 1647 with three to five hundred men and was elected hetman in January 1648.

What followed belongs here as sequence. Khmelnytsky allied with the Crimean khan, whose cavalry was decisive; won at Zhovti Vody, Korsun and Pyliavtsi in 1648; and obtained at Zboriv in 1649 an expanded register of forty thousand and privileges for the Orthodox church. Defeat at Berestechko in 1651 forced the harsher terms of Bila Tserkva. In 1654 at Pereiaslav the Hetmanate transferred its allegiance to Moscow, which brought in the Russo-Polish war of 1654 to 1667 and ended at Andrusovo with the left bank of the Dnieper, and Kyiv, in Russian hands.

The guide this study inherited flagged this as the hard test of the rule that structural change is never authored by the ruled, and was right to be suspicious of how much the framework wanted the convenient answer. The Commonwealth allows the test to be run properly, because it lets you check the question against what was actually **asked for**.

The rising's numbers came overwhelmingly from a countryside with its own reasons: the *sloboda* exemptions had matured across the preceding decades, the register had been cut hard after 1638, and the Union of Brest had declared the population's church illegitimate in 1596. Hundreds of thousands of people joined, and the violence they did — to landlords, to estate officials, and with particular ferocity to the Jewish leaseholders who were the visible end of the extraction chain — was theirs and not their commanders'.

But look at the treaties. Zboriv bargained over the size of the register and the standing of the Orthodox hierarchy. Bila Tserkva bargained over the size of the register. Pereiaslav transferred a military estate's allegiance to another sovereign. Not one negotiation conducted in the peasants' name touched serfdom, the corvée, the appeal, or the *propinacja*. The men at the table were officers seeking terms for an officer class, and what they obtained was terms for an officer class.

That is as clean a demonstration of the rule as this collection possesses, and its cleanness comes from the demands rather than from the casualty figures. The peasants supplied the weight. The starshyna supplied the leadership, the organisation, the strategy and the programme — and the programme was theirs.

The second crack: exhaustion, 1648–1667 and 1700–1721

The Commonwealth then went through what its own historiography calls the Deluge, and the demographic figures are among the largest in early modern Europe.

They are also contested and are given here as the ranges they are. A pre-war population usually put at around eleven million. Deaths across the whole complex of wars from 1648 to 1667 estimated at two to four million. Proportional losses put at a quarter to two-fifths overall, with regional figures of forty to fifty per cent in Greater Poland and around the capital, and Warsaw's own population reported falling from something like twenty thousand to something like two thousand. Some accounts put the proportional loss higher than Poland's in both twentieth-century world wars combined. Every one of those numbers rests on estimates rather than counts, and the study records them as such.

The method's metabolic-death test asks how much of that toll was the withdrawal of life-sustaining coordination rather than the direct work of armies — because in an order whose apparatus *was* the subsistence metabolism, a collapse kills catastrophically through the granary and the irrigation channel, while in an order that only governed and traded it kills far less.

Apply the test and the Commonwealth returns an answer that connects to everything else in this study. There was almost no coordination to withdraw. No magazines, no central administration capable of moving grain, no fiscal machine to fund relief, no standing apparatus of any kind in most of the country. What the state did for its subjects in an ordinary year was very close to nothing, and so its failure withdrew very close to nothing. The deaths were done by armies — by combat, by plunder, by the burning of stocks and seed corn, by the requisitioning that turned a bad harvest into a famine, and by the plagues that followed troops along the roads in 1652, 1661 and 1672.

And that is the finding: a state that does little for its people has little to withdraw, and its collapse toll is therefore military rather than metabolic — but by exactly the same token it has little capacity to keep armies out, and its military toll is correspondingly unbounded. The parsimony that reads as mildness in the standing accounts is paid for in the collapse column, at the frontier, all at once. Where the bill falls belongs to the grim accounting, and this study will pick it up there.

The Great Northern War then repeated the exercise from 1700 to 1721, with the difference that the Commonwealth was substantially a theatre rather than a participant: Swedish, Saxon and Russian armies manoeuvred across it, quartered on it, and fought a civil war within it between Augustus II and the Tarnogród Confederation.

The repricing, and the date it was legislated

Out of that came the settlement of 1717, and this is the moment the framework asks for.

The army was capped at twenty-four thousand men — eighteen thousand for the Crown, six thousand for Lithuania. The funding was specified. The Saxon troops went home. The right to form confederations without parliamentary approval was restricted. The veto was left standing. And the tsar of Russia was named guarantor of the whole.

Set that number against what the neighbours were building. Russia, Prussia and Austria spent the eighteenth century constructing fiscal-military states whose armies were an order of magnitude larger, funded by permanent taxation of a kind the Commonwealth's constitution of 1505 had made impossible. In May 1792 Catherine sent something on the order of a hundred thousand men across the frontier.

So the two curves cross, and they cross for a legible reason on each side. The Commonwealth's capacity fell through two generations of war it could not fund. Its neighbours' rose through the fiscal machinery it had forbidden itself. And the gap between them was fixed in Polish statute, by a Polish sejm, with the principal beneficiary named in the same act as the guarantor of the arrangement that produced the gap.

That is the emptying of the cost column, in the only form available to an order that never had a floor: not the moment its own subjects stopped fearing it, but the moment its neighbours stopped fearing the price of taking it. It can be dated to 1 February 1717 and it is written down.

The reform, and who made it

The Commonwealth's attempt to reverse this is the most poignant document in the case and also the most useful, because it shows the rule operating in both directions inside eighteen months.

The Great Sejm sat from 1788, and it sat as a confederation, which is the only reason it could act at all: under confederation the veto did not apply and the chamber decided by majority. The window was opened by Russia's simultaneous wars against the Ottomans and the Swedes.

Who made the reform is the point. The king, Stanisław August Poniatowski. The Czartoryski connection. Ignacy Potocki. The marshal of the sejm, Stanisław Małachowski. The publicist Hugo Kołłątaj. A monarch and a faction of magnates, working in secret with the king's Italian secretary editing drafts, who then arranged

what one account calls a parliamentary coup — passing the Government Act of 3 May 1791 at a session from which much of the opposition was absent.

The Constitution abolished the *liberum veto*, ended the free election and made the crown hereditary in the House of Wettin, separated the powers, enfranchised the burghers of royal cities and disenfranchised the landless nobility, placed the peasantry under the protection of the law and the government, and set about building an army.

This is elite fracture producing structural change, in the pure form the framework describes, and there is no version of it in which the ruled are the author. The one group below the noble line that obtained anything obtained it because a faction above needed weight, and that has been counted in the previous module.

The counter-reform, and the paperwork

On 27 April 1792, in St Petersburg, Stanisław Szczęsny Potocki, Seweryn Rzewuski and the Crown Grand Hetman Franciszek Ksawery Branicki signed an act of confederation asking Russia for military assistance to restore the former constitution. The act had been drafted by a Russian official, Vasil Popov. **It was predated.** It was proclaimed on 18 May at Targowica, a town belonging to Potocki, on Commonwealth soil — and on the same day the Russian envoy at Warsaw delivered a declaration that the Russian army had crossed the frontier.

Read the forgery for what it discloses, because it is the last and most complete demonstration of this study's central finding.

Russia did not need that document to invade. It needed it because the Commonwealth's own constitution supplied a lawful route to setting the constitution aside — the confederation — and because Catherine had been, since her predecessor's undertaking of 1717, the guarantor of that constitution. The invasion was therefore constructed not as a conquest but as the enforcement of a domestic legal instrument by its guarantor at the request of Polish citizens exercising a Polish right. **The last thing an outside power requires from a disabled order is not consent but paperwork — and the order's own procedures tell it exactly what paperwork to produce.**

The war that followed was not lost. The Polish army fought; Prince Józef Poniatowski and Kościuszko commanded in the south and were still arguing about how to concentrate against a superior force when, around 22 or 23 July, the king asked for a ceasefire and, at Catherine's demand and with his cabinet split, joined the Targowica Confederation. One standard account is explicit that at the moment he sued for peace the army was in good fighting condition, had suffered no major defeat, and was not short of supplies.

The head of state changed sides. That is not a metaphor for collapse; it is the collapse, and it is the default working exactly as it had worked for two hundred and eighty years. Every man in the arrangement defended his own position, and the king's position, on that calculation, in that week, lay with the guarantor.

The Targowicans then discovered that they had not understood the transaction. They had wanted the status quo ante — the veto back, the constitution void, the privileges intact — and nothing more. What arrived was the Second Partition of 1793.

1794, and the men with scythes

Which leaves the one episode in this study where the common people of the Commonwealth did decisive fighting, and it has to be handled with the rule and the rule's own honest concession held together.

Kościuszko entered Kraków on the night of 23 March 1794 and proclaimed the rising in the main square the next morning, taking the title of *Naczelnik*. He immediately issued a mobilisation act requiring every five houses in Lesser Poland to send one able man armed with a carbine, a pike or an axe. On 4 April at Racławice his peasant infantry, carrying scythes set upright on their shafts, took Russian guns in a charge, and the image entered Polish memory permanently.

On 7 May, at Połaniec, he issued the manifesto granting the peasantry personal freedom, a reduction of labour obligations, and protection against eviction.

Now hold both halves. These men fought and won a battle. They were also conscripted by a commander's order, officered by nobles, formed into units by a nobleman's staff, and given rights three weeks after the battle by the man who needed more of them and who met resistance from the nobility when he tried to enforce it. The Połaniec manifesto is not the peasantry taking anything. It is the framework's own stated concession in its clearest form: pressure from below is a genuine cause, operating through the channel of **what a cornered faction must concede to keep its people in the field** — the weight on a lever worked from above.

And it lost. Prussia entered the war on 10 May. Kościuszko was defeated and captured at Maciejowice in October; Warsaw's suburb of Praga was stormed in November; the third partition of 24 October 1795 removed the Commonwealth from the map.

The four cracks, scored

Fracture: present, twice. In 1648 from an officer class the settlement would not seat. In 1791–92 from the top, in both directions — a reforming faction of king and magnates, and a restoring faction of magnates who called in a foreign army.

Exhaustion: present, twice, in 1648–67 and 1700–21, and decisive, because it is what made the taking cheap.

Conquest: present three times, and this is the least ambiguous instance of the third crack in the whole collection — an order removed from existence by neighbouring elites with armies, by agreement among themselves, with the local elite divided and partly complicit.

Overproduction: present in extreme degree and it did not detonate, which is the module's most interesting negative. The Commonwealth bred a claimant class of eight to ten per cent of its population, a great part of it landless, and that surplus did not produce a counter-elite. It produced a client class: men who sold their votes at the sejmik, served in private armies, and defended the arrangement more fiercely than anybody. **The reason is that the arrangement seated them *formally* while seating none of them materially** — every one had a vote, an immunity, a title and a coat of arms, and no land. A man with status and no property is not a frustrated aspirant looking for a movement; he is a dependant looking for a patron, and the patrons were the incumbents. The counter-elite that finally made the reform of 1791 came not from the surplus at the bottom of the estate but from the very top of it.

Reading the collapse against the framework

First, where a floor was never assembled the collapse question inverts, and the answer is a crossing of two curves that can sometimes be dated exactly. The framework asks what repriced a *holding* when an order is held from outside. This case requires the mirror question — what repriced the *taking* — and answers it with an order's capacity falling through unfundable war while its neighbours' rose through the fiscal machinery that order had forbidden itself. **Look, in such cases, for a document in which the disparity is fixed by the weaker party's own law**, because a state that legislates a cap on its own army has performed the repricing itself and told everybody the number. Here that document is dated 1 February 1717 and it names the beneficiary as guarantor in the same breath.

Second, a cheap order's death toll is military rather than metabolic, and the two are inversely related. The metabolic-death test measures how much life-sustaining coordination a collapse withdraws. The Commonwealth performed almost

none and therefore withdrew almost none — and by exactly the same fact could not keep armies off its territory, so that its dead were killed by soldiers instead of by the failure of granaries. **The parsimony that makes an order look mild in its standing accounts is not saved; it is deferred to the collapse column and paid at the frontier, in a lump.**

Third, elite overproduction can be defused by formal seating without material provision — and the surplus so treated becomes the incumbents' instrument rather than their rival. This is a genuine addition to what the collection holds about the fourth crack, which has assumed that an unseated surplus turns revolutionary. **A surplus granted status but no property does not turn revolutionary; it turns client.** It cannot lead, because leading requires resources it does not have; it will not oppose, because its status is the whole of its estate and the arrangement is what confers it; and it is available for hire to whoever can pay, which in this case was the men it was nominally equal to. The instruction: **where you find a large unprovided elite that has not produced a counter-elite, check whether it has been given rank instead of means, and then look for whose retinue it is in.**

Fourth, on the mechanics of the ending. Where a constitution supplies a lawful route to its own suspension, an outside power does not have to break it. It has to produce signatures — and it can write the document itself, backdate it, and time the proclamation to the hour its troops cross. **The arrangement's own procedures are a specification for the forgery that will be used against it**, and the Targowica act, drafted in St Petersburg by a Russian civil servant and predated so that the invasion could be presented as its consequence, is the collection's clearest instance.

And fifth, on the rule this module was written to test, which holds and can be sharpened. In 1648 the leadership, organisation, programme and strategy came from a dispossessed officer class, and the proof is not in the casualty lists but in the treaties: every agreement negotiated in the peasants' name bargained the size of a military register and the standing of a hierarchy, and left serfdom exactly where it found it. In 1791 the reform was made by a king and a magnate faction; in 1792 it was unmade by another magnate faction; in July 1792 the war was ended by the head of state changing sides while his army was intact. In 1794 peasants fought decisively at Racławice, having been conscripted for the purpose, and received their rights three weeks later from the commander who needed more of them.

Not one of these is the ruled altering the arrangement. Every one of them is the ruled being the weight a faction swung — and in the single case where their weight bought them something, the something arrived as a manifesto from a general who was losing. **The sharpening this case offers is a test that can be applied without any**

casualty figures at all: read what the rising asked for at the negotiating table. The class that wrote the demands is the class that made the event.

A note on sources. No primary text is quoted in the original in this module. The standing defect recorded since Module 2 applies with particular force to the constitutions of the sejm of 1717, the Government Act of 3 May 1791, the act of the Targowica Confederation of 27 April 1792, and the Połaniec Manifesto of 7 May 1794 — four instruments on which the argument of this module rests and none of which has been read here in its own words. Recovering them is the first task before this study is completed, and the Targowica act is the most urgent, because the claim that it was drafted in Russia and predated is doing heavy analytical work and is taken here from the account published by the Polish Central Archives of Historical Records rather than from the document. Contested or approximate, and given as ranges: the Deluge's demographic toll, variously two to four million dead, a quarter to two-fifths of the population, forty to fifty per cent in some regions, with Warsaw falling from about twenty thousand to about two thousand — all estimates, several of them derived from one another, and none independently verified here; the size of the Russian force of May 1792, given as about a hundred thousand; the strength of the Cossack register conceded at Zboriv, given as forty thousand; and the standing of the Polish army in July 1792, on which this module follows the account holding that it had suffered no major defeat and was not short of supplies, a judgement that is not universally shared. Modern scholarship paraphrased and credited: the Polish and Ukrainian literature on the Khmelnytsky settlements for the terms of Zboriv, Bila Tserkva and Pereiaslav; the demographic-history literature for the Deluge estimates; the Polish account of the war of 1792 and of the Targowica act's drafting and predating; and, for the framework this module tests, the argument of *Elite Chaos* — including its own stated concession that pressure from below is a genuine cause operating through what a cornered elite must concede, which the Połaniec Manifesto illustrates more exactly than any case in that essay.

THE MANORIAL PRISONS

Module 11 · The Grim Accounting — the sword column for two hundred and twenty-six years, most of it inflicted not by the arrangement but on the territory the arrangement had made itself unable to defend; a metabolic note that comes out very close to nil, for a reason that is legible on the export ledger; a reserve that was gone anyway; the omissions, which are the largest column of the three; and the measure of how long a settlement is remembered by the people it fell on, which in this case is at least fifty-one years and can be dated to a month

Three columns

An armed settlement took power in 1569 and ended in 1795, and the reckoning has to be made in three columns and not one.

The **sword** column is what organised violence did directly — killed, enslaved, executed, burned. The **metabolic** column asks a different question: whether the order's coordination had lifted its population above what the land would carry unaided, so that the disruption of that coordination called the note in and the debt was paid in famine and epidemic. And the **omissions** column counts what was not built, which in this case is larger than either of the others and is the hardest to feel.

A fourth thing has to be established after them, because it is the question that makes the accounting worth doing at all: how long the people it fell on remembered that the arrangement had been made rather than found. In this case the answer can be dated to a month.

The sword

The standing violence, which the arrangement permitted rather than committed. The Crimean captive trade ran through the whole period. The totals are contested and are given as the ranges they are: something like two million people seized between 1500 and 1700 on one authority, with perhaps half from the Commonwealth's lands; roughly a million from Poland alone between the 1490s and the 1690s on another; an average in the order of twenty thousand a year; forty thousand from Volhynia, Podolia and Galicia in the single year 1676; nearly nine thousand from the land of Przemyśl in 1648 alone. Between 1578 and 1583 about a third of the villages of Podolia were devastated or abandoned.

That column belongs in this study's accounting even though the Commonwealth did not do the taking, because the reason it went on for two centuries is that the state maintained a professional army of three and a half thousand men and later capped it by statute at twenty-four thousand, and exempted the most exposed districts from paying for it. A floor never assembled is a decision, and this is its bill.

The manorial column, which cannot be counted at all. After 1518 there was no appeal from a lord's court, and no central record was kept of what those courts did. The one series that survives in quantity is the prosecution for sorcery: an estimated three to four thousand executions in Poland, with the peak between about 1670 and 1730 — later than in most of western Europe, and continuing after the practice was formally banned in 1776. Most of that killing was done by manorial and small-town courts and most of the accused were peasant women. What that figure represents is not the total of manorial violence but the fraction of it that somebody wrote down.

The suppressions. Six Cossack risings between 1591 and 1638 — Kosynsky, Nalyvaiko, Zhmailo, Fedorovych, Pavliuk, Ostrianyn — each put down, several with the execution of the leaders, and each followed by a cut in the register that converted soldiers into serfs. The Podhale risings of 1630–33, 1651 and 1669–70. Kostka Napierski, taken and executed in 1651.

1648 to 1667. The great block. A pre-war population usually put at around eleven million; deaths estimated at two to four million; proportional loss put at a quarter to two-fifths overall, with forty to fifty per cent in Greater Poland and around the capital; Warsaw falling from something like twenty thousand people to something like two thousand. Every one of those figures is an estimate, several derive from one another, and none is a count.

And within that block, the Jewish communities of the eastern palatinates, where the numbers require the most care in this study and the care must not become an evasion.

The contemporary Jewish chronicles gave enormous figures — Shmuel Feivush's *Tit Ha-Yaven*, written around 1650, lists a hundred and forty synagogues destroyed and claims six hundred and seventy thousand dead; Nathan Hanover's *Yeven Metzulah* is the account through which the events entered Jewish memory. Older scholarship generally worked with forty thousand to a hundred thousand. Shaul Stampfer's demographic study of 2003, devoted specifically to the question, concludes that eighteen to twenty thousand Jews were killed out of a regional population of around forty thousand, most of the Commonwealth's roughly two hundred thousand Jews living outside the affected zone. Hundreds of communities were destroyed or badly

damaged; thousands more people were displaced, taken captive, sold, or forced to convert.

The discipline here is to give the range, name the revision, and refuse to let the correction of a number become an argument about the event. A population losing somewhere between a quarter and a half of itself in a region within a few years is a catastrophe on any arithmetic that has ever been proposed, and the higher figures circulated because the people producing them were writing to be remembered rather than audited, which is what survivors do.

One structural sentence from this study's fifth module belongs here once and is not offered as anything else. The men killed at the tavern door and in the small towns were the visible end of an extraction chain whose other end was an absentee proprietor the peasant would never meet, and the position had been constructed for them by the law of 1539 and by the *arenda* system that followed. That is the reason the violence went where it went. It is not a justification of it, and this study does not offer one.

1700 to 1721. The Great Northern War, fought across the Commonwealth largely by others, and with it the plague that first appeared in a Swedish military hospital at Pińczów in 1702, followed the armies north, and peaked between 1708 and 1712. Estimates for Poland-Lithuania run from over a hundred thousand dead on one reckoning to as much as a third of the entire population of Lithuania on another, with Samogitia higher still. Those two figures are not compatible with each other and are given here as the discrepancy they are.

1768. The Koliyivshchyna in the Ukrainian palatinates, and the killing at Uman in June, put by one account at some twenty thousand Poles and Jews and, like every figure in this paragraph, contested.

1792 to 1795. The war in defence of the Constitution, the Kościuszko rising, and the storming of Warsaw's suburb of Praga in November 1794, whose civilian toll is given very differently by different traditions and has not been verified for this module.

The shape of the column matters as much as its size. Across two hundred and twenty-six years the great majority of this violence falls into two windows of about twenty years each, and the great majority of it was inflicted by armies that did not belong to the Commonwealth — Cossack, Tatar, Swedish, Muscovite, Transylvanian, Brandenburger, Russian and Prussian. That is not an exculpation. It is the arrangement's own account presented back to it, because the incapacity that let those armies in was not an accident of fortune. It was the constitution, voted in the exemptions of 1374, 1496 and 1520 and finished by the cap of 1717.

The metabolic note

Now the second column, and the answer is a negative that turns out to be more useful than a positive would have been.

The test is whether the order's coordination had raised the population above the land's unaided carrying capacity, so that breaking the coordination calls the note. Apply it and the Commonwealth returns almost nothing, and the reason is structural rather than fortunate.

There was nothing to withdraw. No irrigation to silt up. No terrace system to fall into disrepair. No storehouse network, no state magazines, no relief administration, no fiscal machinery capable of buying grain in one province and moving it to another. The state's contribution to keeping its subjects alive in an ordinary year was as close to nil as any order in this collection.

And the diagnostic is on the export ledger, which is where it should always be looked for. **The Commonwealth exported staple food in normal years** — tens of thousands of *lasts* of rye through Gdańsk annually, three-quarters of all Baltic grain shipments. An order that ships its bread away is not, by definition, holding a metabolic note on its own population. Land was abundant and labour was scarce; the *sloboda* charters offering twenty and thirty years free of dues are the proof, since nobody advertises for settlers on ground that is full.

So the deaths in this study are almost entirely of the other kind: combat, plunder, requisition, the burning of stocks and seed corn, and plague following troops along roads. They were done by armies, not by the failure of a granary.

Two qualifications belong on that finding and both are substantive.

The first is that a metabolic *note* and a household *reserve* are different variables, and the Commonwealth had destroyed the second while never having created the first. The Volok reform had converted variable customary holdings into standardised three-field allotments; the *folwark* had taken the labour; and corvée agriculture returned something in the order of three grains harvested per grain sown, which is poor. A household with two days a week for its own field and a yield ratio of three has essentially no buffer. So when an army took the seed corn and the draught animals, there was nothing behind it, and the famine that followed was as lethal as one in a system carrying a large note. **The note was nil and the reserve was nil, and only the first of those was a fact about the land.**

The second is that the metabolic exposure this system created did exist — it was simply held somewhere else. The population that had been lifted above its own land's carrying capacity by coordination, in this arrangement, was in the Low Countries: an urban society eating imported Baltic rye. The note created by the Commonwealth's

extraction sat with its customers. This study does not assert any Dutch famine and has not investigated one; the point is structural and is entered as such.

The omissions

The largest column, and the one that has no bodies in it.

No state schools until the Commission of National Education in 1773 — three years after the first partition, in a country of eight to ten million people, after two centuries of statehood. No permanent taxation, and therefore no capacity to do anything at all requiring money. No appeal above a private jurisdiction for three-quarters of the population, from 1518 to the end: two hundred and seventy-seven years. Towns barred from owning land and from national office in 1496, shut out of the export trade, and left to a decline the mid-century wars completed — which is the largest forgone thing in the whole case, because an urban economy is the one asset that compounds.

And the deepest omission, established in this study's fourth module: no formation. The Commonwealth never told eight million of its people who they were. It conceded the formation of its ruling estate to a religious order under foreign superiors, of its largest confession to that confession's own magnates and merchants, of its Jewish population to that population's own council, and of its peasantry to the parish. It saved a great deal of money doing so. What it bought was a state with no claim on the loyalty of the overwhelming majority of the people inside its borders — and that particular omission was still being paid, with interest, half a century after the state itself had ceased to exist.

How long they remembered

Which brings the accounting to its last question. In most cases in this collection, enough generations pass and the arrangement becomes the furniture of reality: nobody recalls that it was made, and the violence that made it is no longer part of anybody's account of the world.

Here two different forgettings ran at once, at very different speeds.

Among the szlachta and their descendants it happened fast, and it took the form this method would predict. The partitions were narrated as a martyrdom rather than as a failure; by the 1830s Poland was the Christ of Nations; and the political tradition of a noble estate that had been perhaps a tenth of the population was retroactively established as the tradition of a whole nation — including for the people who had been outside it and had been kept outside it by statute.

Among the peasantry it had not happened by 1846, and the date can be fixed to a fortnight.

In February of that year, nobles in Austrian Galicia prepared a national insurrection against Austria and appealed to the peasants to join it, invoking Tadeusz Kościuszko by name and promising an end to serfdom. Between 18 February and March the peasants of the districts around Tarnów, Stary Sącz, Jasło, Bochnia and Wieliczka rose — against the nobles. On the usual estimates about a thousand noblemen and estate officials were killed, with the range given in the sources running from around a thousand to two or three thousand; some four hundred and seventy to five hundred manors were destroyed; in the Tarnów district something like ninety per cent of the manor houses were burned. The peasants then assisted the Austrian army in defeating the noble insurgents at Gdów.

Two things about that episode have to be recorded with care.

The historiography is genuinely contested. Most accounts hold that the Austrian authorities encouraged the rising, several naming the Tarnów district officer Johann Breindl von Wallerstein and payments in salt and coin; Alan Sked's work argues that the Habsburg authorities knew nothing of it and were appalled by the result; another historian describes the bureaucracy's role as never fully explained. And Jan Lewicki's much-reproduced painting of Austrian officers paying for severed heads depicts, on one assessment, something that did not happen — which is itself a fact about who was writing the account afterwards.

And the target was specific. Stefan Kieniewicz's finding is that the peasants killed no Jews and no Austrian officials. They burned manors and killed the manorial class, and the object named in the accounts of what they were rising against was manorial property and manorial oppression — including, named explicitly, the manorial prisons.

So the measure this module was looking for is available and it is unusually exact. **Fifty-one years after the Commonwealth ceased to exist, its former peasantry, invited into a national rising by the descendants of its noble estate, in the name of the one commander who had ever offered them anything, went to the manor instead.** Whatever remains disputed about who encouraged them, that choice is not disputed, and it was not made about the Union of Lublin, or Sarmatism, or the *liberum veto*, or the partitions. It was made about the building where the lord's court sat.

Serfdom in Galicia was abolished two years later, in 1848, by the Austrian government.

Reading the accounting against the framework

First, the metabolic test has a diagnostic and it is on the export ledger. The size of an order's metabolic note is a function of the subsistence system it sits on, not of how harshly it governed. Intensive coordinated systems — irrigation, terraces, state magazines, storehouse networks — carry a large note and pay it in famine when the coordination breaks. Extensive, land-abundant systems carry almost none and pay instead in soldiers. **The single clearest indicator is whether the order exports staple food in ordinary years: an order that ships its bread away is not holding a metabolic note on its own population**, and its collapse toll will be military rather than metabolic. The Commonwealth is this collection's cleanest instance of the second type, and the finding is worth having because it stops the test being applied where it does not belong.

Second, and this is the refinement that keeps the test honest: the note and the reserve are different variables, and an extractive order can destroy the second without ever creating the first. The Commonwealth held no note and still produced famine mortality, because a household extracted down to two days a week on its own field, at a yield of about three grains per grain sown, has no margin at all. When the seed corn burned there was nothing behind it. **Ask both questions separately — how far above carrying capacity was the population lifted, and how much buffer did the extraction leave the household — because the second can produce famine on its own.**

Third, the metabolic exposure created by an extractive order may be held by its customers rather than by itself. The population that Polish coordination had lifted above its land's carrying capacity was in the Dutch Republic. This is offered as a structural observation for the collection to test elsewhere: **where an order's coordination is extractive and export-facing, the note it creates sits abroad, and its own collapse transmits outward as a price shock rather than inward as a famine.**

Fourth, and this is the module's finding about memory: a settlement is remembered by the people it fell on for at least two generations past its own ending, and what they remember is the point of contact, not the doctrine. The Galician peasants of 1846 were not avenging the Union of Lublin or the constitution of 1505 or four centuries of noble liberty. They burned manors and they named the manorial prisons. **What a population retains about an arrangement is the specific institution through which the arrangement touched it** — which in this case had been fixed in 1518, when a king gave away his jurisdiction over his subjects' disputes

with their lords, and which was still the operative fact three hundred and twenty-eight years later.

And fifth, on the discipline of counting. The largest single number in this module has been revised downward by a factor of five by careful demographic work, and the revision changes nothing about what happened. **Give the range, name the revision, state who produced the original figure and why, and do not permit the correction of a number to become an argument about the event.** The people who wrote six hundred and seventy thousand were not lying; they were doing what survivors do, which is to write so that it will not be forgotten. The historian's job is the arithmetic. It is not to tell them they were wrong to want that.

A note on sources. No primary text is quoted in the original in this module. The chronicles named — Nathan Hanover's *Yeven Metzulah* and Shmuel Feivush ben Natan Feitel's *Tit Ha-Yaven* — are described from the secondary literature and are not quoted; the figure of a hundred and forty synagogues and six hundred and seventy thousand dead is reported as the claim of the second of them rather than as a finding. Contested or approximate, and given as ranges: every casualty figure in this module without exception. Specifically — Crimean captive totals of roughly two million for 1500–1700 with about half from the Commonwealth, against roughly one million from Poland for 1494–1694, two estimates that are not reconciled here; Deluge deaths of two to four million and a quarter to two-fifths of the population; Jewish deaths in 1648–49 given as eighteen to twenty thousand out of a regional population of about forty thousand on Stampfer's 2003 demographic study, against forty to a hundred thousand in older scholarship and far higher figures in the contemporary chronicles; Great Northern War plague mortality given both as over a hundred thousand for Poland-Lithuania and as up to a third of Lithuania's population, two figures that are not compatible and are presented as the discrepancy they are; some twenty thousand at Uman in 1768; three to four thousand executions for sorcery in Poland with a peak around 1670–1730; and, for 1846, about a thousand nobles and officials killed with a range in the sources of one to three thousand, four hundred and seventy to five hundred manors destroyed, and about ninety per cent of manor houses in the Tarnów district. Explicitly not verified for this module and therefore given without a figure: the civilian toll at Praga in November 1794. Explicitly disputed and presented as a live historiographical disagreement rather than resolved: the extent of Austrian instigation of the 1846 rising, where most accounts hold that the authorities encouraged it and name the Tarnów district officer, while Alan Sked's work holds that they knew nothing and were appalled, and where the best-known visual representation of the bounty payments is assessed by at least one source as depicting something that did not occur.

Modern scholarship paraphrased and credited: Shaul Stampfer on the 1648 casualties; Dariusz Kołodziejczyk and Bohdan Baranowski on the captive trade, cited through the secondary literature; Stefan Kieniewicz on the specificity of the 1846 targets; Alan Sked and Hans-Henning Hahn on the Austrian role, cited through Bideleux and Jeffries; and the demographic-history literature for the Deluge and plague estimates. The reader should hold, throughout this module, that almost every number in it was produced by somebody with a reason to want it larger or smaller, that the people who died left no arithmetic of their own, and that the ranges given are the honest state of the evidence rather than a hedge.

ANSWERABLE TO EACH OTHER

Module 12 · Convergence and Divergence — what this order shares with every other in the collection and what only it supplies; the pairing with Brandenburg-Prussia, which turns out to isolate a different variable from the one expected; and the strongest case that can be made for the Commonwealth, stated at its full strength by people who are not fools, and answered without flinching

Where it behaves like everything else

Strip the sabres and the Latin and a great deal of this case is ordinary, and the ordinariness is worth stating first because it is the evidence that the method is reading something real rather than imposing a shape.

The settlement was made by armed men and its terms were what those men could hold. Its exclusions were legislated in the same sessions as its inclusions — burghers barred from land in the identical statute that exempted noble produce from duty. Its boundary was policed by its beneficiaries and by nobody else. Its extraction was tuned to what could be got away with, and stopped exactly where the subject could walk. Its suppression, when it came, funnelled rather than destroyed. Its formation was conceded wherever conceding was cheap, and the concession came with a bill that fell due about a generation later. Its position of trusted interpreter could be captured but never abolished, and where a capture failed to carry the congregation the position refilled from below within twenty years. Its change came from fracture, exhaustion and conquest and never once from the rising of the ruled. And afterwards its beneficiaries' descendants told a story in which they had been martyred rather than outmanoeuvred.

Every one of those is a finding this collection had before it reached the Commonwealth, and every one holds.

Where it supplies something nothing else has

The divergences are worth gathering in one place, because scattered across eleven modules they read as observations and gathered they read as a single object.

The **floor was plural** from the first day and never assembled — five hands on organised violence, none able to disarm the others — which severs two things this method had treated as one variable. The strength of the state's floor and the fullness of

the ordinary subject's cost column moved in opposite directions here, because the credible enforcer within a day's ride of the villager was never the king's man.

The **settlement had nothing to convert.** The szlachta's land was allodial, held by them and not of the crown, so no Polish king could bind his nobility by re-sourcing their title. What remained to spend was jurisdiction, immunity and consent — and unlike an estate, those cannot be repossessed. Hence the apparent extravagance of Polish kings with constitutional concessions: it was the only tender they had, and payments in that currency ratchet.

The **marker of the estate was a relation, not a thing or a person** — four or six neighbours' oaths in court, with no register anywhere in the country. That makes a settlement unauditable from inside, impossible to police downward for want of any list, and immune to every instrument that operates on property. It can be attacked only by an outside power that substitutes documents for oaths, which is exactly what happened after 1795 and not before.

The order ran a **manufactured robe upward and an inherited robe downward**, and never noticed it was doing two different things — an ethnogenesis, a costume and two centuries of printed constitutional argument for the men with swords, and for eight million subjects nothing at all, because a former conquest's parish was already doing that work at somebody else's expense.

Withheld formation turned out to be delegated formation, and the delegate acquired a power the state could not take back. The interval between the refusal and the appearance of a rival authority was one generation: Sahaidachny entered the Ostroh Academy in the 1590s and enrolled the Zaporozhian Host in a brotherhood school around 1616 to 1620, and in 1620 a whole replacement hierarchy was consecrated under Cossack guard in that school's church.

The extraction fork gained a third position — **extraction as recruitment** — where the object is land but the scarce factor is people, so the taker advertises rather than clears, defers the extraction, and thereby writes the date of his own grievance into the founding charter of every village.

The medium-of-payment test **ran backwards** and became more useful for it: the Commonwealth's labour demand is stated plainly on the face of the statute of 1520 because there was no metropole reading it. The disguise measures the audience; its absence measures the audience's absence.

The fiscal picture separated **a state that cannot tax from a state whose taxpayers are its legislature** — identical in a revenue table, opposite under military pressure — and the Commonwealth's per capita revenue of under a gram of silver, in one of Europe's great grain exporters, is a distributional choice with three dates on it.

Elite overproduction was defused by formal seating without material provision, which converted half a million surplus claimants into a client class rather than a counter-elite. A man with rank and no property is not a frustrated aspirant looking for a movement; he is a dependant looking for a patron.

The proposition about unattached general principles acquired a condition: **vanity generalises what drafting particularises.** The clause said *no landed man of the land*; the maxim said *no one*; and it was the maxim that lay about for three and a half centuries until a faction that needed burghers picked it up.

The metabolic test acquired a diagnostic — **read the export ledger**, because an order that ships its bread away is not holding a note on its own population — and a companion warning, that the note and the household's reserve are different variables and an extractive order can destroy the second without ever creating the first.

And the Menu acquired a **seventh family**. The other six are things an apex does to a claimant class. **Disable the centre** is what a claimant class does to an apex when it already holds the floor, holds its wealth allodially, and is too numerous for any one member to seize the centre either. It is remarkably durable — two and a half centuries with almost no internal bloodshed over a throne, in an age when every neighbour convulsed — and its failure mode is unique on the card: the other six fail from inside, and this one cannot, so it fails from outside, slowly, subsidised by the neighbours it suits, and finally by its own beneficiaries' invitation.

The pairing, and the variable it actually isolates

This case was set beside Brandenburg-Prussia because the two orders held so much constant: the same commodity, the same river-and-sea route, the same Amsterdam buyers, the same institution of bound peasant labour on a demesne farm, the same century, adjacent ground. Whatever differs between them cannot be the grain.

The expected finding was that the Prussian bargain — a nobility bought into a salaried officer corps, a state that took its cut — produced a state that survived, while the Polish bargain produced one that did not. That much holds and it is the fiscal-military story: one nobility voted itself out of the customs, the land tax and the river tolls, and the other was enrolled and taxed. Poland settled who could grant an exemption in 1505; Brandenburg settled it after 1653; and the two answers ran to their ends.

But the comparison does something the study did not expect when it began, and honesty requires reporting it, because it is the finding rather than a complication of the finding.

It does not distinguish the peasants. Frederick abolished serfdom on the royal domains and repeatedly tried to lighten obligations elsewhere, and the standard assessment is that his attempts to protect the peasantry from their landlords never really succeeded, because the Junkers controlled the officer corps and the countryside and he needed them. The *Allgemeines Landrecht*, completed in 1794, entrenched the estate structure it codified: nobles first, judged only by the highest provincial courts; peasants forbidden trades without permission of the state or their lords. One summary of the bargain, quoted in the literature on Joseph II's contrasting attempt, is exact: in exchange for absolute power at the national level it was necessary to hand the nobles absolute power on their estates.

So set the two peasants side by side in 1750 and the difference is small, and the routes to it are opposite. **Prussian absolutism bought its central power by selling the peasant to the Junker. The Commonwealth left the peasant with the lord because it prevented any central power from existing.** Two constitutions as far apart as European constitutions went, and the man in the field arrives at nearly the same place by both roads.

That is a considerable result for this collection, and it is worth stating as a proposition. **The constitutional variable that arguments about liberty turn on — whether the sovereign is absolute or constrained — does not determine the position of the ordinary subject.** What determined it, in both orders, was whether the men who held the land also held the jurisdiction over the people on it, and neither constitution touched that. In Prussia the sovereign could not reach the estate because he needed the Junker's regiment. In Poland the sovereign could not reach the estate because he had given the reach away in 1518 to men who could refuse him a levy.

What did differ was something narrower and, in the end, decisive: **whether a mechanism existed by which the arrangement could ever be altered.** Prussia's lever was out of reach but it existed, and after the defeat of 1806 it was pulled — serfdom legally abolished throughout the kingdom by decree. The Commonwealth had no lever at all. Its constitution required unanimity, its estate could not be enumerated, its centre had no revenue and no army, and when a faction finally built a lever in 1791 the constitution's foreign guarantor destroyed it inside fourteen months at the request of Polish signatories on a document drafted in St Petersburg.

The counter-position, at full strength

The case against everything above is real, it is made by serious people, and it deserves to be stated in its own voice rather than in a form convenient to answer.

The Commonwealth was the only large state in early modern Europe in which the government was chosen rather than imposed. Its king was elected and could be lawfully resisted; its parliament genuinely legislated; its assemblies genuinely instructed their deputies and were genuinely obeyed. It guaranteed, in 1573, that no man would be killed or dispossessed for his confession — five months after France murdered its Protestants in the streets, and while the Empire was in the third decade of a war over the same question. No Inquisition ever operated on its soil. No war of religion was ever fought there. Catholics, Lutherans, Calvinists, Antitrinitarians, Orthodox, Uniates, Jews, Armenians, Karaites and Muslim Tatars lived within one set of borders under one law, and the Jewish community it sheltered became the largest and most self-governing in the world. It enfranchised eight to ten per cent of its population when England enfranchised a fraction of that. And at the end, unprompted, it wrote the first codified constitution in Europe — abolishing the veto, enfranchising the towns, taking the peasantry under the protection of the law — and was destroyed for it within fourteen months by three absolutisms who understood precisely what they were killing.

To describe all this as "an armed settlement of extractors" is to describe every polity that has ever existed and therefore to describe nothing. It deletes the only variable that has ever distinguished one government from another, which is whether the men holding the swords are answerable to anybody at all. In the Commonwealth they were answerable to each other, in law, enforceably, for two hundred years — and to judge the arrangement by the condition of its peasants is to apply a standard that no European state met in 1600, including every state that helped to kill it and every state that outlived it.

The answer

Almost all of that is true, and the parts that are true should be conceded without hedging before anything else is said.

The toleration was real and it was load-bearing, and eighty years of it in that century is not a small thing. The constraint on kings was real: Henry of Valois swore before he was crowned, Augustus II conceded after trying force, and by this method's own rule — a law that does not genuinely bind cannot legitimate anything — the Commonwealth's law bound. The plurality was real, and the Jewish communities of Poland-Lithuania were, for centuries, safer and more self-governing than anywhere else available to them. The constitution of 3 May 1791 was real, it was serious, and the timing of its destruction is not a coincidence and should never be presented as one. A study that cannot say all of that plainly is not reading the case; it is grading it.

Then three things have to be said back.

First, the comparison the counter-position rests on does not survive being completed. It compares the Commonwealth's elite with its neighbours' elites and the Commonwealth's state with their states, and stops. Complete it — compare the subjects — and the finding is the one recorded above: the Prussian peasant, under the most absolute monarchy of the age, was in nearly the same position as the Polish one, arrived at from the opposite direction. The variable the counter-position calls decisive turns out not to reach the man in the field at all. This does not vindicate absolutism, which bought its power by the same sale. It disqualifies the comparison as an argument about anybody except the men who made it.

Second, the liberty and the powerlessness were not two facts in tension. They were one instrument seen from two ends. Every protection in the Commonwealth's catalogue was a protection against the centre — no arrest without a verdict, no law without consent, no tax without consent, no levy without consent, and the right to take up arms if any of it were breached. Not one was a protection against a private jurisdiction. And the centre was the only thing that could ever have stood between a subject and the man who owned the ground he lived on. The same body of law that made a nobleman unreachable by the king made him unappealable by his own people — and in 1518 that was not an implication but a clause. Answerability among the armed is not answerability to the governed, and in this case it was purchased at the governed's direct expense, in a session whose minutes survive.

Third, on the reform and the murder. It is true that the Commonwealth was destroyed while reforming and partly because it was reforming. It is also true that the destruction required Polish signatures on a document drafted by a Russian official and backdated so that an invasion could be presented as its consequence — and that this was necessary because the Commonwealth's own constitution had made the confederation a lawful route to setting the constitution aside, and because a Russian sovereign had been the underwriter of that constitution since 1717, an arrangement Polish magnates had accepted precisely because the constitution being guaranteed was theirs. It is true that the war of 1792 was not lost in the field and that the head of state joined the invaders with his army intact. The reform came two hundred and eighty-six years after *Nihil novi*, two hundred and seventy-three years after the crown gave away the appeal, and seventy-four years after the army was capped by statute at twenty-four thousand. It was not too little. It was too late, and the lateness is not a misfortune that befell the arrangement — it is the arrangement, which had been constructed, with great success and by everyone in it acting reasonably, so that nothing could be done in time.

That is the honest verdict and it should be uncomfortable in both directions. **A polity can be genuinely freer than its neighbours for its members, genuinely more**

tolerant than its neighbours for its minorities, genuinely more consensual than its neighbours in its government — and can, by the identical mechanisms that produce all three, leave the majority of the people inside its borders with no appeal against anything, and leave itself unable to prevent its own destruction. These are not a good side and a bad side of one country. They are consequences of one design, and the design was not wicked. It was the correct solution to the problem its makers actually faced, which was how a numerous, armed, allodially wealthy class could stop a king from becoming dangerous. It solved that problem better than any comparable arrangement in Europe. It was simply not a solution to any other problem, and no one in it was ever positioned to notice that other problems existed.

The last convergence

One thing remains, and it is the strangest fact in the case.

This method has held, since its earliest papers, that a built order becomes over generations the furniture of reality — that the origin being constructed does not make the belief a lie, but makes it a thing that was built and then became real. The Commonwealth supplies that mechanism running in a form the collection has not seen: **the naturalisation happened after the order was dead.**

The szlachta's political tradition — the elected king, the assembly, the liberty, the sabre and the *kontusz*, the descent from a warlike people of the steppe — was the tradition of perhaps a tenth of the population, enforced against the rest by statute. After 1795 it became, over three generations of poetry, painting, exile and insurrection, the tradition of a *nation*: the inheritance of everybody who spoke Polish, including the descendants of the people it had excluded by law. A dead order's robe was picked up and worn by the people it had refused to clothe.

And the case supplies its own measure of how long that took, because in February 1846 it had not yet happened. Nobles invoking Kościuszko called the Galician peasantry into a national rising and the peasantry burned their manors instead, killed a thousand of them, helped the Austrian army defeat them, and named as the object of their rising the manorial prisons. Fifty-one years after the state ended, the settlement's own subjects still knew whose nation it had been. Within another two generations their grandchildren were reciting Mickiewicz.

That is the mechanism at its most complete and its most disquieting: an order does not need to survive in order for its account of itself to win. It needs only to be the only account available, transmitted by the only people with the schools, the presses and the poets — and the collection has already established, in this very case, who those people were and who paid for them.

Reading the whole against the framework

Four things this study offers the collection as durable, in the order of their generality.

The seventh Menu family, Disable the centre, with its three preconditions — the claimant class already holds the floor, its wealth is allodial, and it is too numerous for any member to take the centre — and its distinctive failure mode, which is external, slow, subsidised by neighbours, and consented to by the beneficiaries.

The severance of the state's floor from the subject's cost column, and the general finding underneath it: where the floor is plural, the ordinary subject's cost column is filled locally by whoever's men are nearest, so that the two variables can move in opposite directions and habitually do.

The proposition that the constitutional form of a state does not determine the position of its ordinary subjects — established here by a controlled comparison the collection was lucky to be handed, in which the most absolute and the least absolute polities in Europe, on adjacent ground with the same crop and the same buyers, delivered their peasants to almost the same place. What determines the subject's position is whether the men who hold the land also hold the jurisdiction, and that question is decided in property law and court procedure rather than in constitutions.

And the reading instruction that follows from the whole case: when an order describes itself as free, ask immediately *free from what*, and then find out what stood between that thing and the people at the bottom. If the answer is that the thing the order made itself free from was the only possible source of appeal for nine-tenths of the population, the liberty is not thereby fraudulent — it was real for the people who had it — but it has been paid for, and the invoice is in the same statute book, usually within twenty years, and often in the same session.

A note on sources. This module quotes no primary text, and the standing defect recorded since Module 2 stands as this study's principal known weakness: the load-bearing instruments of the whole case — the privileges of 1374, 1430–33, 1454, 1496, 1518, 1520 and 1539; the constitutions of 1505, 1717 and 1791; and the Targowica act of 1792 — have been read here in published summaries and scholarly accounts rather than in their own words, with the single exceptions of the passages quoted in the original in the Landscape and in Modules 1, 3 and 9. Recovering the remainder from the *Volumina Legum* and the Lithuanian *Metrica* is the first task before this study should be considered finished, and the most urgent items are the immunity clause of 1425–33, on which the whole argument of Module 9 depends, and the renunciation of 1518, on which the argument of Modules 5, 9 and 12 depends. Modern scholarship paraphrased and credited in this module: the standard assessments of Frederick II's

peasant policy and its limits, including the *Allgemeines Landrecht* provisions on estate status, and T. K. E. Blemming's formulation of the absolutist bargain as quoted in the literature on Joseph II's Serfdom Patent of 1781; the Prussian reform literature for the abolition of serfdom by decree after 1806; and, for the counter-position stated in this module, the Polish historiographical tradition running from the nineteenth-century insurrectionary writers to the modern assessments of the 3 May Constitution, which is set out here as strongly as this collaboration could manage and not as a straw figure. Where this module compares Polish and Prussian peasants directly, it does so from the secondary literature on each and not from a common quantitative series, and the comparison should be treated as a qualitative judgement rather than a measurement.